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Hastings Law News

San Francisco, California

April 21, 1992

Volume 25, Number 7

West Block Tenants Win Rent Cut

By Martha Bridgeham
COPY EDITOR

Sixteen of Hastings' West Block tenants won a \$15 rent reduction from the San Francisco rent board April 8.

The decision, by Hearing Officer Dave Wharton III, also ordered Hastings to refund \$210 apiece for back rent that was held to have been overpaid.

The award was based on the tenants' claim that the four college-owned buildings on McAllister and Larkin Streets have become more dangerous since uniformed Hastings security officers stopped patrolling the corridors in October, 1990.

"They think they're immune to city ordinances, but we proved them wrong," said tenant Matt Bibby.

Hastings' position is that the officers provided no more protection than building managers or fellow tenants because they did not have the power to make arrests. Instead, the college claims the tenants are safer than before because it installed \$16,000 worth

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Photo by Diana Brackner
San Francisco Supervisor Kevin Shelley, a Hastings alumnus and a critic of the school's West Block policy, addressed a rally outside the 200 building before the Board of Directors meeting.

Hastings Board Approves West Block "Pre-Development Contract"

By Martha Bridgeham
COPY EDITOR

In a stormy public session March 13, Hastings' Board of Directors authorized the college to hire Lincoln Property Co. as a consultant to develop the West Block property. However, the parties are apparently some distance from a contract. Lincoln senior vice president Dean Henry said the negotiations have taken a month because Lincoln is seeking assurances that it will receive some return for doing Hastings'

preliminary planning at its own expense.

Asked when he expected to sign a contract, Henry said only that the *Law News* would be able to report on it in the next issue, which will not come out until fall.

The meeting's biggest news for West Block tenants came when board member Jan Lowenbaupt promised Hastings would provide "comparable or better housing" if the apartment buildings still standing on the block are torn down. Marcia Rosen of the San Francisco Lawyers' Committee for Urban Affairs, who repre-

Security Goes Union

By Kerry Monahan
EXECUTIVE EDITOR

Eleven Hastings security officers have petitioned their chief and the college administration to recognize a newly formed collective bargaining organization, formally dubbed the Hastings Peace Officers' Association (HPOA).

One of the petitioners said the April 1 move was prompted by discontent with "the way the de-

partment has been going" since John Ophim became chief almost a year ago. The discontent was intensified when officers were scolded and subjected to pressure tactics for speaking to the press without official approval.

Officer David Hardy, newly elected president of the fledgling association, said the group formed "to improve relations with the College [Administration]." He said better communication between the administration and the security officers "translates to improved safety."

"We felt helpless with no representation," said one officer.

The petition for recognition was filed with the college administration and the Public Employees Relations Board (PERB) as required under the Higher Education Employment Relations Act (HEERA).

The College has made no official comment on the petition for recognition of the HPOA. Under the law, the employer is required to inform the PERB of any intent to protest the establishment of such an employee association within 15 days of its petition for recognition. The deadline ran out April 16. Any communication between the PERB and the college has not been made public.

In addition to electing officers, the association has prepared

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ABA Accreditation Team Inspects Hastings

By Janet Frankel
STAFF WRITER

New paint in the library and stairway repairs in the 198 building early last month heralded the visit of a seven-member American Bar Association accreditation team to Hastings on April 13-15.

Dean Tom Read said Hastings is only the second law school ever to get a seven-member team. "This is because we are so complex," he said. "We run all of our own operations." He said the ABA has recently increased the size of the teams for big, complex schools from four or five members to seven members. Full dress accreditation visits take place at each law school once every seven years.

Hastings is one of the few major law schools that cannot depend on the structures of a

bigger university campus. "We have our own fiscal apparatus," Read noted, "and our own chief financial officer. We have our own general counsel, our own security, our own dining hall and our own residence hall."

Only 16 of the 40 to 50 law schools in California are accredited by the ABA, which controls federal accreditation, Read said.

The ABA was not the only organization involved in Hastings' site inspection. One of the seven members of the accreditation site team was from the Association of American Law Schools (AALS). Hastings is one of 145 accredited law schools with an AALS membership, Read said. He said the two accrediting organizations conduct inspections together when a school is a

member of both.

"We are subjected to ABA accreditation rules, which are more detailed and mechanical, as well as to AALS rules, which are less quantifiable and more qualitative," Read said. "Quality

scholarship and teaching is the main purpose of the AALS. With AALS accreditation comes more prestige. Among other things, the AALS sponsors conferences on new legal scholarship and pro-

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Photo by Diana Brackner
Students aired their criticisms of Hastings at a late afternoon meeting with the ABA accreditation team.

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Curriculum Changing Externships Embellished, Torts Truncated

By **Jay Blount**
STAFF WRITER

The Hastings' faculty has approved two curriculum changes that are set to take effect next fall in an effort to balance practical and theoretical education better at Hastings. Judicial externs will be required to spend more time on academics. Second and third year students enrolled in judicial externships will be required to take a course on administrative justice issues and write a paper. The intensive course, meeting two hours daily for just two weeks, will be worth three credits.

In the past, a student could earn up to 12 pass-fail credits working full-time as a clerk to an appellate or federal district court judge, or up to 8 credits as clerk to a state trial court judge.

The addition of the new required class will cut the externship period by two weeks and the externship credits by three. Consequently, externships will require more work to earn the same number of credits as before.

Clinical Programs Coordinator Steve Kaufman said the changes were in response to an American Bar Association recommendation that there be more faculty involvement in the externship program. He said the ABA feared a student could receive a substantial number of credits without any significant school supervision.

Professor Richard Marcus, one of five professors teaching the classroom component next year, said he was not yet sure what the two-week Judicial Externship course would cover.

"It will probably be a collaboration of materials from each of the five faculty members involved, but I'm not at all sure it's going to turn out. This is a unique experience," he said.

Marcus, a specialist in judicial administration, was one of the first students in the country to

serve an externship, clerking for the California Supreme Court while a student at Boalt Hall.

Paper topics will be based on administrative justice issues or students' experiences at work. The paper will not satisfy the Hastings writing requirement. Marcus said students would also be required to keep journals to help professors supervise their work.

Some judges who had accepted

Judicial externs will have to take a course on administrative justice issues next year.

Hastings student clerks in the past expressed concern at the reduction in the number of work weeks, and judges on the 1st District Court of Appeal suggested that the students' closer involvement with professors might lead to a breach of confidentiality on pending cases. Kaufman said. But due to assurances from the faculty involved, Kaufman said all of the local courts have agreed to continue to accept Hastings' externs next year.

Asked about the reasons for the curriculum change, Marcus said with tongue in cheek, "All the curriculum choices Hastings makes are thoroughly logical, and you can quote me on that."

First year changes

At the end of Hastings legal education each first year will be required to choose among four new courses emphasizing statutory law. Each first year student will take one of four courses based on statutory law, as a counterpoint to the common-law diet of the current required classes. The choices will be: employment discrimination, consumer health and safety, environmental law, and federal income taxation. These classes are closed to second and third years. To make room for the new classes, Torts has been cut to

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Third Year Council Fumbles Student Speaker Election

By **Margo L. Buckles**
EDITOR IN CHIEF

The Third Year Council's effort to make the choice of a student graduation speaker more democratic backfired this spring, in a glitch-ridden election that left several candidates and other concerned students complaining of improprieties.

Council members have since prepared new election guidelines for use next spring. The guidelines include measures to prevent canvassing at the ballot box, to ensure the integrity of the ballot box, and to tally the votes fairly.

This year's council submitted candidates' names to a formal vote of the third year class. Thirteen candidates submitted statements. Council member Mai Sharif-Shiver said members staffed the ballot box for two weeks between 10:30 a.m. and 1:30 p.m. She said that the council made sure voters signed off next to their names on a roster as they voted.

One of the improprieties complained of by candidates was that on the last day of voting, the ballot box was not set out because a council member was not available to guard it. The council reacted by extending the election for three extra days. During those last three days, the candidates' statements, which had been posted near the voting table, disappeared. Later, the statements were found in the SIC office.

Jack Walsh, a third year ASH representative, said several students complained to him about election procedures, so he consulted Director of Student Services Patsy Oppenheim on the subject. He said he then asked a council member not to release the elections results "until the council addressed these concerns."

Oppenheim invited the third year council's members to attend a meeting April 10, but only one attended. It was rescheduled for April 14.

The council released the results on April 19 before this meeting could be held.

At the April 14 meeting, Oppenheim reviewed the election results and determined that the winner was chosen fairly. Sharif-Shiver said. John Dunn will be this year's graduation speaker.

Sharif-Shiver said students at the meeting complained about the missing ballot box on the final Friday, the extension of the election, and the "failure to make copies of the candidate statements" in the event that the originals disappeared. Walsh said they also criticized the council for releasing the results before the meeting.

Despite the foul-ups, Sharif-Shiver and Walsh said the controversy turned out for the best because it led to the creation of better procedures for next year. Chris Kearns, another council member, drafted student speaker election procedures that the council will likely adopt.

"This will put safeguards into place that will protect the council from controversy, and it will allow the council to effectively handle future complaints," Walsh said.

Diversity Day Offers Alternatives

By **Martha Bridgeham**
CORY EDITOR

Hastings' 1991 Diversity Day, part of the National Student Strike for Diversity, attracted some 300 students to speeches and alternative classes on April 2, including a noontime rally on the Beach featuring California Appellate Project attorney Audre Heron.

Other alternative events included student-sponsored panels on affirmative action, "The Intersection of Race and Gender," and the tension between free speech rights and efforts to stop verbal harassment. Related presentations took place throughout the week of the strike.

Outgoing Diversity Coalition co-chair Judy Appel had no estimate of the number of students who skipped classes to mark the national law student protest day, but she said some stayed home rather than attending the alternative events, so a count of on-campus participants might be misleading.

Heron, who works to provide legal representation for the many poor defendants on California's Death Row, told students that failure to act was as significant to the nation's future as political action. She said to those who avoid

activism, "You are responsible for the direction this country is going, either by your silence or by your consent."

Student speakers at the rally were often on the defensive, speaking in rebuttal to this year's many attacks on affirmative ac-

tioners," he said.

Victoria Alzapadi, of the Clara Foltz Feminist Association, criticized the Law Review comedy performance as a sign of the barriers women law students still face.

"There was an undercurrent of sexism in many of the skits," she



PHOTO BY THOMAS BROWN
Diversity Day panel members voice their views on issues of gender, race, sexual orientation and disabilities at the April 2 gathering.

tion and other campaigns for representation by traditionally underrepresented groups.

"Diversity is inclusive. It is not exclusive," first year Alexa Smith told the crowd, and Chris Ayayo attacked the notion that affirmative action means preferring one person over another in a "zero-sum game."

"With diversity there are no

said, singling out one depiction of a professor who was caricatured "on the basis of her gender."

Other speakers used their time at the microphone to offer views of life at Hastings from perspectives that they said were not given enough attention or respect.

Rob Hadlock rolled his wheelchair up a ramp onto the

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Nihon Conference at Hastings

The Conference That Would Not Die

By Rick Wilson
STAFF WRITER

International misunderstandings muddled this spring's Second Nihon/Hastings Conference on international business law to the point where even an attempt to cancel it was unsuccessful.

"It was kind of Murphy's Law at work," said Professor Frank Trinkl, one of the conference organizers.

The international conference was eventually held at Hastings on April 2 through 4 with far fewer participants than planned.

This year's conference, sponsored by Hastings, was to have been modeled on last year's successful meeting at Nihon University in Tokyo.

"The game plan was the same," Trinkl said. "Fifty delegates on each side, by invitation only. The delegates were going to include governmental officials, businessmen, people in the financial world, regulators, lawyers and various people from the two universities." The announced theme was a discussion of globalizing business practices.

"[While] we were raising funds for our adventure, it became clear, for reasons not entirely clear, that the Japanese side was

not going to be able to come up with the composition of delegates to match what we had sent over for the first conference, and had anticipated for the second," Trinkl said. "When Nihon indicated that they were not able to come up with a matched list of delegates for the conference, we had no option but to cancel the conference as originally planned. And our Japanese counterparts concurred."

"Of course," he added ruefully, "a concurrence does not necessarily mean a concurrence."

Presuming that the conference was canceled, the Hastings conference organizers retained money to sponsors and told invited delegates not to come. However, the Japanese contingent had other ideas, Trinkl said.

"While we were working on the assumption that the conference was canceled, the Japanese were working to salvage some semblance of a conference. At the last moment, they had mentioned that they were coming over with 26 people and some practicing lawyers," he said.

Hastings had a week's notice to prepare for the delegation.

"By God, you can not turn around, raise money again and ask all the people that we had previously invited to show up

again, so we did the best possible: we came up with a program at essentially the last moment," Trinkl said.

The conference participants who actually turned up spent the first day on unique features of Japanese business organizations, such as *keiretsu*, the intimate web of alliances that often exists among Japanese companies. The second day was devoted to papers on globalizing international business practices, as originally planned. The visitors spent their third day visiting Bay Area legal institutions, including the California Supreme Court and the San Francisco offices of Pillsbury Madison & Suto. The latter visit apparently amazed the visitors, since a law firm of 30 to 40 attorneys is huge by Japanese standards. FMS has nearly 300 in San Francisco alone.

Not all was lost from the originally planned conference, according to Trinkl. Most of the papers prepared for the occasion were actually submitted, so Hastings wound up with the written proceedings of a full-fledged conference even though the conference itself had fewer presenters than planned.

The papers will be published in a special supplement to the

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Work-Study: Use It Or Lose It

By George Akwo
STAFF WRITER

Many of the 300 Hastings students awarded College Work-Study (CWS) as part of their 1992-93 financial aid packages this spring were dismayed to learn they would have to find jobs by May 1 and use half of their total awards by June 30, or lose at least one half of their CWS money.

The "use it or lose it" proposition was the result of a federal government mandate that each fiscal year's allocation of CWS funds be spent during the year in which it was granted. The rationale offered for the requirement that students find summer jobs by May 1 was that after that date, unused CWS funds could still be reallocated in time to allow other students to work during the summer.

The financial aid office notified students of their 1992-93 CWS awards on Feb. 28, in contrast to most other schools

which inform students of their awards in May. Cary Bennett, director of financial aid, said awards were made earlier because the financial aid office wanted participants in the Public Interest Career Fair on Feb. 29 to know whether or not they had work-study awards. According to the financial aid office, most public interest organizations only hire students who already have been awarded work-study.

The current \$300,000 federal government allocation to Hastings' work-study program must cover payments during the college's entire fiscal year, which runs from July 1, 1991 through June 30, 1992. The result is that funding for summer work-study jobs is split: payroll ending June 30 is funded from the preceding year's allocation, while those beginning July 1 are funded from the following year's allocation.

Because of the imposition of Hastings' fiscal year, Bennett and Patricia Meeks, Hastings' financial

aid counselor, have to estimate throughout the fall and spring semesters how much money they think will be left over to cover summer payrolls through June 30. Sometimes they guess wrong.

This year, the financial aid office underestimated the amount of work-study money which Hastings students would consume during the Fall and Spring semesters and was left with a surplus of \$125,000 in CWS funds. Failure to use this money by June 30 causes it to revert back to the government. However, the college is authorized to carry forward 10 percent of the original \$300,000 allocation to the next year's budget, and retain 5 percent of the amount actually used during the academic year as an "administrative allowance."

In response to student displeasure with the "use it or lose it" requirement, it has since been relaxed to a statement that students should earn half of their awards by June 30, if possible. In addition,

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NEWS BRIEFS

Compiled By THE HASTINGS LAW NEWS STAFF

ASH ELECTION RESULTS

Only one race for next year's ASH executive positions was contested this spring, but the student government made the most of it by holding the vice-presidential election twice.

In response to a claim of impropriety, ASH discarded the ballots and held a new election in the vice presidential contest between second year Babak Naficy and first year Alexa Smith.

Smith objected when outgoing ASH Treasurer Suzanne Seavello distributed a letter endorsing Naficy to all third year students. Although Seavello did not claim to speak on behalf of ASH in the letter, her signature was followed by her ASH title.

Although Smith said she did not ask for a new election, ASH reacted to her complaint by holding one.

Before the election, the ASH Election Review Committee circulated a letter to all students explaining that Seavello's letter "was a personal endorsement by an individual," and that ASH made no endorsement as a body.

Naficy won on the second ballot, held April 15 and 16.

Elected to ASH office in uncontested elections were: Phil Ginsburg, President; Serena Hong, Treasurer; Jeff Fowler, Secretary; and June Morse, Arts & Recreation Director.

When the vice presidential election was re-run, students voted on the same ballot for ASH representatives and decided the fate of several ASH amendments. The 1992-93 ASH representatives' names had not been released at press time.

ASH had also urged students to vote for a \$25 fee increase for additional recreational facilities in the 100 McAllister basement. One-half the student body had to vote to validate the fee increase, and 645 out of 1246 students voted; 481 in favor of the fee increase, 153 against. Student fees will increase only if ASH meets a \$50,000 goal for gym improvements.

JORDAN ADMINISTRATION ASKED TO REDUCE TENDERLOIN CRIME

A group of building managers and security officials, including Hastings security chief John Opheim, has asked the Jordan administration to adopt a plan to discourage crime and panhandling in the Civic Center area.

Members of "Citizens for Safety in the Civic Center" include representatives of Hastings, the opera, symphony and ballet, the public library, the city health department, some local businesses, and the convention center. A representative of the city police department, Cmdr. Mike Bimsh, has attended group meetings as well.

Opheim said the group is preparing a proposal for Jordan that may include improved lighting, recreation programs to "open up the plaza" to families with children, or guard kiosks to be staffed by part-time reserve police officers. He said reserve officers are trained volunteers.

The chief said Hastings' security officers will be able to guard the college far more effectively after they attain peace officer status, which he expects will be conferred this summer. He said the status would allow them to make arrests, confine suspects in a holding cell, and gain access to the national computerized warrant check system.

"I think it will make a big difference," he said. The officers currently make citizen's arrests to question suspects, but may not lock them up, Opheim said. He said they often have to keep a suspect sitting in the cramped security station for 30 to 90 minutes before a city officer arrives to make the arrest.

Members of the Civic Center group face the common problem that cheap housing and a plethora social service providers draw destitute people to the area, Opheim said. "The drugs are here, the criminals are here," he said.

And Opheim said city police "crackdowns" on Tenderloin crime do not always help because "they'll just push them to another area of the Tenderloin."

The arts organizations have spent large amounts of money on private security guards, Opheim said. "You have the higher-income-type people coming... you have older people, and all of a sudden you have some ruffian begging for money," he said. He said attendance has fallen at performances lately, possibly because the neighborhood may scare patrons.

Rent Board Favors Tenants

Continued from Page 1

of security gates and other safety devices after withdrawing the officers.

But West Block Tenants' Association activists argue that before the withdrawal, Hastings officers were quicker to offer help, or to call in the city police when necessary. City officers take longer to respond when tenants call them directly, the tenants say.

Wharton took the tenants' side. "...the substitution of hardware for humanity as the chief security mechanism for these buildings deprives the tenants of the full measure of responsive security provided prior to October 1990," he wrote.

His ruling also said Hastings may apply for a rent increase based on the cost of the "hardware"—the security gates, fences and receptacles that it installed under tenant pressure last winter. Hastings General Counsel Angèle Khachadour said the college has not yet decided whether to file for such an increase.

Monthly rents covered by the decision range from \$177 for a room in 270 McAllister St., a residential hotel, to \$509 for an apartment at 260 McAllister St. About half of the claimants are longtime residents who have been prosecuted by rent control for ten years or more.

The ruling could have a much

broader effect if tenants of the 79 other occupied units in the West Block buildings choose to file for similar reductions. Seventy-three West Block units were vacant as of the Rent Board ruling, 60 in the 270 McAllister building.

The hearing officer dismissed Hastings' now-traditional claim that as a state agency, it is not subject to local ordinances. Following a 1981 opinion by the San Francisco City Attorney, Wharton held that the exemption does not apply to "the use of its property for non-educational purposes."

"To exempt Hastings from the Rent Ordinance in these circumstances would create a superior category of 'exempt San Francisco landlord' not specified in an otherwise defined Ordinance.... Likewise, to exempt the landlord would be to create an inferior class of San Francisco tenants," Wharton wrote.

Hastings spokesman Tom Debby said the college's attorneys raised the claim in order to preserve the right to assert it later if the city's position changed.

The tenants were represented at the hearing by Steve Collier of the Tenderloin Housing Clinic and Hastings graduate Phyllis Bunn, a former ASH president who was also a tenant. Khachadour, Deputy General Counsel Juliet Gee and attorney Andrew Weigel represented Hastings.



A security officer helps a Hastings student.

Peace Officers Organize

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by-laws. It is represented by attorney Daniel S. Connolly, a 1989 Hastings graduate.

The current disputes began last November, when an officer was quoted anonymously in a *Law News* story about West Block security. A few days later, Ophelia circulated a memo ordering all officers to refer press inquiries to college spokesman Tom Debby.

In January, the officers were told that because a West Block tenant group was able to get security information from an officer, "the Administration is now questioning the propriety of providing our officers... with access to the confidential information avail-

able... in support of the peace officer function." The officers have long urged the administration to seek peace officer status on their behalf because it would give them the right to carry guns and make arrests.

Despite the controversy, Debby said in mid-April that Hastings is moving towards achieving peace officer status for the officers. And at its March 13 meeting, the Hastings Board of Directors approved without comment a budget item for the construction of a holding cell on campus. The officers would need the arrest power that comes with peace officer status in order to confine anyone in the cell lawfully.

ABA Panel Scrutinizes Hastings

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vides a support system to promote quality teaching."

The team includes a law school dean, a state supreme court justice, and a former U.S. Supreme Court librarian.

• Elizabeth Moody, a Professor of Cleveland State School of Law and president of the Law School Admission Service, served as the chair of the team.

• Professor Frank Bloch, of Vanderbilt University School of Law in Tennessee, served as the clinician, examining the clinicals and externships.

• Professor Roger Jacobs, from Notre Dame Law School in Indiana, was the law librarian of the team. Jacobs served as law librarian at the United States Supreme Court.

• Dean Norman Lefstein is Dean at Indiana University School of Law.

• The Honorable Andrew G.T. Moore II sits on the Delaware Supreme Court.

• Professor Mildred Robinson is from the University of Virginia School of Law.

• The AALS representative, known as the AALS Summarian, was Professor John E. Nowak of University of Illinois College of Law.

The accreditation team invited Hastings students to come and voice opinions about the college at a 5 p.m. meeting April 13. Flyers were posted around the school notifying students that the team was interested in hearing students' opinions about Hastings.

But Read, who has served on site inspection teams himself, said he was confident that any student complaints registered at this meeting would have minimal impact. "Your average student is not usually still on campus after 5 p.m.," Read explained. "The team members believe that the students who come to these sessions are usually those with a particular axe to grind."

Karen Carrera, President of the Associated Students of Hastings (ASH), visited the attendance of students at this meeting differently. "The students who come to comment, complain or simply be present during this meeting are those who really care about Hastings."

Fielding questions about clinicals at the meeting, Bloch, the team clinician, said the ABA would prefer that Hastings offer fewer clinicals to students rather than offering clinicals that do not meet the ABA supervision standards. He implied that clinicals supervised by adjunct professors are problematic. Students at the

meeting who were concerned about the lack of an environmental law clinical at Hastings assured Bloch that no such program is currently available, not has been for several years.

However, when questioned about the possibility of voting students on faculty hiring and tenure committees, the ABA members dispensed of student concerns by stating that placing students on such committees was not common practice at their schools.

"Your average student is not usually still on campus after 5 p.m."

Read explained. "The team members realize that the students who come to these sessions are usually those with a particular axe to grind."

The committee also asked students about diversity on campus. Students responded that the administration has not done enough to address the problems surrounding the issue. Students suggested that the administration provide a forum for discussion about diversity beyond the current community council board.

The last accreditation team to visit, in 1985, expressed concern about a lack of sufficient supervision in some clinicals. "Now," said Read, "few new people have been hired."

In addition to the meeting, the seven-member team invited selected students to join them for lunch. Carrera, who attended the luncheon, said she offered to provide the names of some students she considered active in campus life, but Read's office had already issued the invitations. "I was under the impression that they were going to ask me for my opinion," she said. She said Read told her he wanted a "cross-section" of the student population.

Carrera said some of the invitees included Federalist Society president Ted Urschel; the law journal presidents, including *Women's Law Journal* editor Alison Bernstein; BALS president Yolanda Tate; three student members of the self-study committee: Apulla Chopra, David Iritu and Richard Schuchitz; ASH representatives Alecia Smith, Jeff Fowler and Phil Ginsburg; and first year Patricia Heischman.

"I remember thinking, 'Why

do you have four people from ASH?... Why not get more diversity of opinions?'" Carrera said.

The major topics of discussion at lunch were Hastings' grading policy, which several students said was harsher than at other schools, and "lack of community" at the school, Carrera said.

After the visit, the team will compile a report and send it to the ABA and AALS accreditation committees. Read said the inspection team "looks to see if there is quality education going on. They look to see whether there is quality in the classroom, whether there is a variety of properly supervised clinicals offered, whether the school is fiscally sound, and whether the College preserves academic freedom for its faculty and has a diversified faculty."

Read said that although Hastings "still has a lot of work to do, we in fact have a fairly diverse faculty and student body." The team also examines Hastings' resources, Read said. "They want to know if our resources allow us to do what we purport to do. In the area of student services, we have our own health office, which no other law school has, in my knowledge. We are also the only school with a full-time staff person providing disabled students' services."

"People shouldn't be overly concerned," Read said. The foremost concern of the ABA, he explained, is that Hastings successfully graduates students who can pass the bar and be good attorneys.

Most schools, said Read, receive a "report back" letter from the ABA accreditation committee following the inspection team report. "Only about 5 percent of inspected schools get an immediate letter of accreditation, or a 'clean bill' letter," Read said. "More than 90 percent of the schools will receive a 'report back' letter, asking the school to report back on some areas of concern."

Hastings received a "report back" letter after the 1985 accreditation visit. This letter expressed concern about the student-faculty ratio, which was 30 to 1. Now, the student-faculty ratio is 25 to 1, and Hastings has increased its faculty and decreased the size of the student body. Seven years ago, the student body numbered about 1,550. Now, it is closer to 1,250.

ASH Notes: A Look Back PICAP Vote Set

By Karen Carrera
ASH PRESIDENT

Military Recruitment on Campus

During the fall semester, ASH recommended that Hastings disallow military recruitment on campus because the military openly discriminates on the basis of sexual orientations. The issue will go before the full faculty for a vote on May 4. The Admissions Policy-Student Services Committee recommended the adoption of non-discrimination policy that would prohibit military recruiters on campus. ASH will submit its resolution, with a full report about the military's hiring policies, to every faculty member.

Public Interest Career Assistance Program (PICAP)

The Finance Committee of Hastings' Board of Directors will vote on the proposal to use OCI surplus fees for non-governmental PICAP on May 26. The proposal will go before the entire Board in June. ASH will present a resolution and report following this proposal at the May 26 meeting. ASH, the Student Loan Amnesty Committee, and HPILF drafted a PICAP student survey which will be distributed to students. The results will be presented to the Board of Directors and posted around campus.

Student Representatives on the Faculty Appointments Committee

ASH brought a resolution asking for student representation on the Faculty Appointments Committee before the Hastings Executive Committee. ASH also presented an oral report to the Executive Committee. The Committee postponed the issue until next semester with the recommendation that ASH draft a more detailed report to address the committee members' concerns. Stephen Schwarz, Chair of the Executive Committee, assured ASH that the issue will be among the first on next year's agenda. A summary report, which includes the ASH resolution, is printed on the ASH bulletin board.

Activities/Endowment

This year ASH offered alternatives in order to improve student life at Hastings. We made the regular Beer on the Beach parties more interesting by having bands, food, and comedy. ASH also sponsored a diversity video panel and a sexual harassment forum, and co-sponsored a June speech forum.

Personal Goals and Accomplishments

I set out to achieve two things as president of the Associated Students of Hastings this year: to improve the image of ASH by gaining the trust and respect of students, faculty and the Administration and to be a strong advocate

for the students at Hastings. I think I accomplished these goals.

There were times when I felt frustrated, both by student apathy and by the slowness of the Administration to react to what I believe are issues of utmost importance. On the other hand, I felt invigorated by the passion and drive many students have to enact change at Hastings.

Based on current student concerns, I drafted a three-year plan for ASH. This plan provides a focus for the ASH Council for the next three years. The plan is posted on the ASH bulletin board. There is still much to be done to improve the services, education and overall quality of life of students at Hastings.

Finally, except for a few disappointments, I think the students ASH appointed to be on the committees did an outstanding job this year. I want to thank them all for their hard work. I also want to thank the members of the ASH Council, especially John Tsutakawa, Phil Ginsburg, and Suzanne Seavell for their friendship, hard work and dedication to ASH.

1992-93 ASH Executive Council

Phil Ginsburg-President
Babak Naficy-Vice President
Serena Hong-Treasurer
Jeff Fowler-Secretary
June Morse-Director of Arts, Recreation & Fundraising

By Leslie Zellers
STAFF WRITER

Students and faculty have been gathering support this month for an administration proposal to spend surplus money from the On-Campus Interview process on the college's public interest loan repayment program.

The finance committee of Hastings' Board of Directors is scheduled to vote on the proposal May 26, after delaying its vote by three months to examine the program's definition of "public interest." If it wins the committee's approval, the proposal will go before the full Board of Directors June 12.

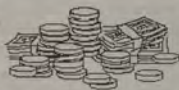
Under the proposal, the Public Interest Career Assistance Program (PICAP) would get Hastings' profit from the fees employers pay to take part in the OCI interviewing process. The administrative costs of the interviewing program are usually less than the fees collected.

In an informal survey of students conducted last month by the Associated Students of Hastings (ASH), the Student Loan Assistance Committee (SLAC), and the Hastings Public Interest Law

Foundation (HPILF), 80 percent of the respondents said they supported the proposal.

Patented by the Board of Directors in 1988, PICAP is designed to repay part of the education loans of Hastings graduates who work full-time in public interest law. Graduates are eligible for the program if they work for a nonprofit organization or a governmental agency and meet the program's income limitations and other requirements.

The only current funding for the program comes from a \$160,000 bequest to the college from Joseph Chamberwood, a Hastings alumnus and former board member. Interest from the endowment is used to help repay only the loans of



graduates working in government jobs. Because of the restrictions on the use of the endowment and the lack of alternative funding, there is no money in the program for graduates who wish to enter non-governmental public interest positions.

Under the proposal, one-third of the OCI surplus would be distributed immediately to qualifying PICAP participants, while the college would receive the rest.

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Burger Warns That Press May be Usurping Parties' Roles

By Joe Vadala
STAFF WRITER

Former Supreme Court Justice Warren Burger cautioned against the political power of news organizations in his Founder's Day lecture at Hastings March 6. "Make sure that the media does not become the message of American politics," Burger told hundreds of Hastings students in the Louis B. Mayer Student Lounge.

Burger traced the significant role political parties have played in American history, then argued that the parties' power is shifting to the mass media.

Historically, Burger said, Americans were prepared for their national political debate by their experiences in the New England town meeting, where citizens debated vigorously over local planning decisions. These people, he said, learned to form alliances and reach compromises to achieve

common goals.

Burger contrasted this history of free debate with the history of the merging countries of the former Communist block. Burger expressed fear that even if these new nations desire to establish democracy, because their history was void of any meaningful political freedom, they have "no political understanding of how to make a democracy work." As evidence of this proposition, the Chief Justice cited that in the first democratic elections held in an Eastern European republic, candidates from 26 political parties were presented to the voters on one ballot. Burger asked "how an ordinary citizen with no prior exposure to popular elections is to make a reasoned choice between 26 political parties."

Burger gave a lengthy history of the conflicts between the Federalists and Anti-Federalists during the late 1700s. He said the Federalists secured a "blueprint for a strong national government,"

but the Anti-Federalists succeeded in ratifying the Bill of Rights, which Burger called a "harness on the horse of government."

Burger argued that "had we not developed a two-party system

"Make sure that the media does not become the message of American politics."

to permit rational discourse on issues of public concern, the constitutional democracy... would have survived."

The Justice asked whether the political parties still frame the objectives of government and select the candidates, or whether those roles have been taken over by the mass media.

He acknowledged the vital role

news organizations play in informing the public but he questioned their trustworthiness. He suggested that while the news media were once "a conduit for the message that political parties sought to convey," news organizations may have now become political powers in their own right. Burger acknowledged that reporting has been biased in the past, with newspapers sometimes even becoming a "party organ," but he said the current practice is "more subtle and even malicious," journalism that masks a political agenda behind news that purports to be objective. For example, Burger claimed some newspapers publish the latest flattery photo they can find of a candidate they do not favor.

Burger warned students not to believe everything they read in the newspapers and urged them to stay active in government. "It is the special responsibility of lawyers to participate actively in the political process and preserve the

traditions that have permitted our constitutional democracy to endure," he said.

During a question-and-answer session, one student asked Burger for his present view on Roe v. Wade. He answered by referring the student to one of his old opinions.

Said third year Meg Stoll, "It would have been easier to prepare questions about the topic for the Chief Justice if we had known in advance what he was going to talk about." His topic was not announced beforehand.

Burger's speech to the students followed an alumni luncheon attended by over 100 alumni. At that luncheon, two Hastings awards were presented: the Hastings Medal of Achievement was presented to John Harrington, class of 1964, and the Alumni of the Year Award was presented to Hainer "Mike" McCormick, class of 1961. Burger's appearance was sponsored by Hastings' 1066 Foundation.

FEATURES

Computers

The DUE microPROCESSor:
Practicing Safe ComputingBy Kevin Lee Thomason
STAFF WRITER

Today we are going to talk about integrity, and loss, and fear. No, I am not going to discuss the implications of existentialism as it relates to urban angst in the post-modern era. Nor am I going to talk about what it feels like to be audited by the IRS. What I will be talking about today is much more important than those trifles. The subject of this article is that specter that looms over our lives continuously, striking at random, and leaving a wake of shattered dreams and frustrated ambitions. Those of you who have experienced it know what I am talking about: there is that feeling of emptiness, of waste, of destruction. That feeling of utter violation.

The subject, of course, is data loss.

Data loss usually happens when your computer fails to read (or to save) data stored on a floppy disk. Sometimes your hard disk is affected, but the general result is the same: a file or document that you lovingly created, modified, or copied is lost (or corrupted). And due to the intervention of Murphy's Law, this data is typically something very important (like the only copy of your killer 100-page Contracts outline). But you don't have to be a victim! Read on, and I will tell you how to

practice "safe computing" and thus avoid this demon.

First off, remember that your computer is a machine. Like your car (or electric toothbrush, or whatever). And like your car (or toothbrush), it will eventually



break down (unless you drive a '71 Dodge, like I do). Or even if it doesn't completely break down, it will from time to time do stupid, inexplicable things (like my '71 Dodge likes to do). Your task is to insulate yourself from those stupid, inexplicable things, and the way that you do that is very simple: as often, and keep multiple copies of everything.

I know that the need to save often (and promiscuously) is painfully obvious, but you would be surprised to learn how many people don't save incrementally as they are working on something, and/or don't make backup copies of their work.

When you are working on a long document, you should save that document at least every fifteen minutes. Then, if something bad

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Movies

In Camera Review

By Joyce M. Alcantara
FEATURES EDITOR

Mambo Kings Reign

The *Mambo Kings* is a story about brotherly love and dreams of making it big in New York's 1950s Mambo music and dance scene. The Castillo brothers arrive in New York from Cuba, armed only with a suitcase full of songs and hearts full of hopes of stardom. Armand Assante plays Cesar, the ambitious and stubborn brother, who stifles his younger brother's talent while trying to protect him. Assante portrays a flamboyant performer with a hot temper but a heart of gold. Antonio Banderas (*Tie Me Up! Tie Me Down!*) plays Nestor, the brooding younger brother with a talent for songwriting and trumpet playing. Each paints a moving picture of sibling misunderstanding and enduring love. Cesar's ambitions clash with Nestor's longing for Cuba and the love he left there. Nestor feels stifled by his brother's ambitions, wanting nothing more than to play his songs in his own small club.

Love, reflected in the strong bond between the brothers, is a strong theme throughout the movie. Cesar takes on the world to shelter his naive little brother from the dirty politics of the New York club scene. Nestor longs for

his first love in Cuba, never understanding why she left him for another man. Dolores, played by Manschika Detmers, is Nestor's American wife, who watches patiently yet painfully as her husband deteriorates from his sense of loss and unhappiness. Dolores, the modern woman who wants to do something with her life, is studying to become a teacher. But



she, too, is struggling with her own love interest: her husband's brother.

The music is great, transporting the audience to tropical Cuba with its uplifting salsa beat and authentic Latin soul. To my surprise, the two main characters sang a lovely ballad about unrequited love. Both were very hot on stage and the music makes you want to dance in your seat.

The story is set against the gritty background of New York in the 1950s. Club owners control the lives of aspiring musicians, blackballing them if they do not show enough respect. Desi Arnaz, Jr. makes a cameo appearance as his father Desi Arnaz, Sr. in a clip from the "I Love Lucy" show. Keep in mind that this is in the era when Cuban band leaders and Carmen Miranda made it big and Hollywood studios showcased their performances.

This film is also a story of immigrants and their adjustments to American life, including the realization that the streets of this country are not all paved with gold. The Castillos rise from obscurity and suffer many setbacks due to Cesar's pride and refusal to bow down to the local club owners. "No one owns the Castillo brothers," Nestor and Cesar often say. And no one does. This film is a testament to the strong spirit of many immigrants who come here with little more than their dreams.

B-Ball and Hustling

White Men Can't Jump is an entertaining and amusing comedy about basketball hustlers Billy Hoyle, played by Chevy Chase, bartender Woody Harrelson, and Sydney, played by Wesley Snipes (*Jungle Fever*). Both count on using the euphemism "White Man Can't Jump" to their advantage, by planting a harmless-looking Billy on the court and wagering that the white guy can't possibly beat the local players.

Harrelson plays a glib and unpretentious Billy. Similar in looks and personality to Woody of *Cheers*, he demonstrates that even a con man can get coned. Unfortunately, I found it difficult to break away from the goofy Woody type-cast. I expected him to deliver his usual simple-witted small screen dialogue and had a hard time buying the more "deep and meaningful" words coming from a man in a goofy tie-dyed baseball cap.

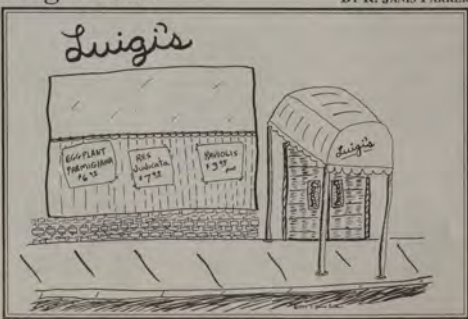
Rosie Perez (*Do the Right Thing*) plays Billy's trivia-craving girlfriend Gloria. Trying to instill a voice of reason in Billy's life, Gloria is continually disappointed when, time and time again, Billy loses their money in yet another hustle. Actually, the two of them have a convincing chemistry. Gloria is the passionate, goading optimist and Billy the unfortunate sucker. Among other problems, a gambling debt of Billy's attracts a deal of gun-toting hoodlums who follow them from Louisiana to California.

There's plenty of snappy dialogue, with wisecracks and four-letter words reminiscent of every playground in America where testosterone overflows and money is on the line. Kadeem Hardison from *A Different World* "puts in his two cents" worth throughout the film. The film has a lot of slow-mo shots of Harrelson and Snipes making slam dunks and fancy behind-the-back passes. But it's hard to believe that two guys who are barely six feet tall can take on guys who are a half a foot taller. The filmmakers clearly tried to cast relatively short basketball players as the opponents to make the basketball scenes convincing. The film should have ended about three-quarters of the way through.

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Legal Ease

By R. JANIS PARKER



Restaurant Review

Mama Mia! Brunch, Italian Style

By Jodi Lambert &
Diane Sovereign
STAFF WRITERS

IL FORNAIO
1265 Battery St.
(415) 986-0100
Brunch items \$5.50 - \$7.95

You third years may be asking yourselves, "Where do I take the family during graduation?" Maybe you haven't thought about it, or maybe you don't really care. But if you anticipate savoring the moments of celebration from the end of your last final until the bar review course starts, then you might want to start thinking now about graduation weekend. We can't help with the entertainment plans, but food is our thing. Since graduation is on Sunday at 2 p.m., we thought brunch beforehand would be a great way to kick off the festivities.

What did we look for in our ideal brunch spot? Definitely a restaurant that takes reservations (don't want to keep Grandma and Grandpa waiting), ample parking, or at least a valet, capacity to seat large groups—Aunt Bessie, Uncle George, and the cousins you don't even know—and of course, great food. Since Mom and Dad will pick up the tab, you may not be overly concerned with

being frugal, but surprisingly, we managed to walk away stuffed for about \$10.00 per person. Where, pray tell, did you go, you ask? *Il Fornaio, Gastronomia Italiana* situated in Levi Plaza at the edge of the Financial District, not far from Fisherman's Wharf.

Though *Il Fornaio* is best known for its homemade pastas served at lunch and dinner, their brunch happens to be quite popular and, as we discovered for good reason. In this Italian bistro setting, we found attentive service, a formal yet comfortable atmosphere, and delicious, hearty breakfast fare. The decor is exquisite with obvious attention to detail. Fresh, flower arrangements fill beautiful large vases throughout the restaurant. Numerous servers, dressed in crisp whites, were ready to cater to our every whim. The moment a coffee cup was empty, someone arrived with fresh brew. (Water refills were a little slow—nobody's perfect.) Even with a full dining room, the noise level was low, thanks to well designed high ceilings. The subtle background of classical music complemented the setting. If the weather is nice for



graduation, you can even opt to sit in the outdoor patio which overlooks the Levi Plaza fountain. The atmosphere is definitely worthy of a special occasion.

Moving on to the menu, juices are fresh squeezed to order, and choices range from orange to carrot or green apple. If the pregrad night hangover isn't pounding too badly (or if you just haven't stopped drinking yet) *Il Fornaio* offers a variety of brunch cocktails, from mimosas (yes, the "brutal" drink) to Bloody Marys (for the more serious drinker). Dom Perignon is available from the wine list, but at \$115, make sure Dad has his gold card.

We started with the basket of baked breads, all homemade, served warm and delicious. The assortment ranged from traditional sourdough to sweet raisin bread. We could also have selected from the pastries and fruit laid out on tables that we noticed as we were seated. We somehow resisted the tempting fresh raspberries and strawberries arranged around the variety of muffins and Italian pastries.

The brunch menu includes traditional breakfast favorites, but with an Italian twist. From the list of house specialties we opted for a CIALZONDIFRUTTE (\$6.75).

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Bar Review

Bar Hoppin' to Relieve Those Final Exam Blues

By Laura Licht &
STAFF WRITER
Peter Turcotte
PRODUCTION EDITOR

As the semester speeds to a close, don't forget that fun abounds in San Francisco. Even the struggling law student, yoked with the burden of exams, can find time for a brew now and then. We've reviewed several San Francisco bars suitable for dousing pre-exam anxiety, celebrating the completion of exams, or partying after graduation.

Portico
246 McAllister Street

If you're really stressed and want a quick escape, start at Portico. It's also a good place to go with an interviewer, after Mock Court, or just to meet someone near school for a drink before the evening begins. However, this isn't the place for a rowdy party. The interior is nicely furnished,

with the look of an elegant but small Italian pensione. Soft classical music completes the mood. The bar and the lobby of the Abigail Hotel run together, so you get that vicarious thrill of traveling from the passing guests—just steps from the daily grind of law



school. Portico also has an elegant restaurant, so the bar traffic includes a good number of drinks, Italian sodas, mineral waters and juices. There is a good selection of red, white and sparkling wines, many offered by the glass or by apéritifs.

The drinks are served with tasty garlic bread sticks, but we couldn't resist the delicious munchies from the restaurant menu. We ordered Philo Squares and Corn & Red Pepper Fritters. The fritters were deep fried, but still light and fluffy, and the Philo Squares had a subtle blend of sweet and spicy flavors.

Homers
1737 Balboa

This is the type of place where you might find Homer Simpson (no relation to the owner) belted up to the bar. Homers takes its name from baseball, as the neon bat and ball on the marquee attest. Inside, Homers looks like someone put a bar in the corner of their family room. The place is just plain homey and cozy. In fact, it's very small—one room with a pool table, a pinball game and a dart board. If there is a crowd, it consists entirely of locals. Otherwise you'll be the only crowd there. The jukebox has a good selection

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Question People

By Tom Businger and Meg Stoll

What's your ideal summer vacation?



Rick Darwin
Third year

I'm taking it this summer. It will be three weeks in Greece, a month traveling through Eastern Europe and then a week bike trip up to Northern California.

Valerie Logsdon
Third year

To go to Tibet and meditate and forget about law school.



Michael Lasher
First year

Drinking coffee and reading in a Parisian cafe—that's hopefully what I'll be doing.

Sandra Matthews
First year

The ideal would be to relax from this first year nightmare. I'd love to go to some island like Jamaica or Hawaii, kick back and take it easy.



Eddie Kenyon
Second year

I'd like to go somewhere where you go your own way and look around the country and see the customs and the people, because you don't see anything on those package tours. Get away from law school and the law.



Louise Broderick
Second year

Kauai, Hawaii. I went there on my honeymoon and have been there once since—every single day I want to be there.



Save, Save, Save!

Continued from Page 6

happens (such as a power outage, or a software glitch) you have only lost fifteen minutes' worth of work. I was recently approached by another law student who typed up an entire class outline before trying to save. The system software "hung up" (i.e. crashed) and reported a system error. Needless to say, many hours' worth of work was lost.

Just as important, keep several copies of your work on floppy disks. Disks are cheap, and you would be surprised to learn how often hard drives fail. Whatever you do, don't keep an important file on just one floppy disk. Either keep a copy of an another floppy disk, or keep a copy on both the hard drive and on a floppy. Last semester, another student I know lost a whole semester's worth of class notes because they were all kept on one single floppy disk. For some reason, the data on this disk became corrupt, and when this student went to retrieve it, it was gone.

Even if you do keep backup copies of your work on floppy disks, remember that these disks are not indestructible. Never leave a floppy disk in direct sunlight, or in a hot place (such as the inside of a car). In fact, floppy disks should not be kept anywhere where the temperature will rise above about 50 degrees celsius (125 degrees Fahrenheit). In addition, remember that floppy disks store data by means of magnetic particles, so you should keep them away from anything that emits magnetic fields. Keep in mind that your computer's monitor emits a magnetic field, as does your television set. Don't leave floppy disks on top of your monitor or your television.

Another thing to remember is that if you are using an IBM-compatible computer, not all IBM floppy disk formats are completely compatible. In theory, high density 5-1/4-inch drives (1.2 megabytes) should be able to read and write to disks formatted in older double density drives (360K). In fact, they are not truly

compatible. Double density drives use a slightly wider read-write head to store and retrieve data. What this means to you is that if you attempt to use a high density drive to write over data originally stored on the disk by a double density drive, you may run into problems. The high density drive will not completely write over the old data, and in fact the new data, because it is written in a narrower "band," will be embedded within the remnants of the old data. Your computer may get confused when it attempts to read this embedded data.

Users of 3-1/2-inch disks have their own problems to contend with. If you attempt to format a 3-1/2-inch disk (720K) in an IBM PS/2, be prepared for some grief. Unlike other DOS-compatible computers, IBM PS/2s do not have "media sensors" in their 3-1/2-inch drives. What this means is that the computer cannot tell the difference between high and double density disks, and therefore double density disks formatted in IBM PS/2s are actually formatted as high density disks (1.44 megabytes). This doesn't present a problem if you are only using that disk in IBM computers, but if you attempt to use it in a clone, you are in trouble. A normal 3-1/2-inch double density drive will not read such a disk because it is formatted as a high density disk, and a high density drive will not read it because its media sensor, finding what looks like a double density disk, will expect it to be formatted as such. You can format a double density disk correctly in an IBM PS/2, but it requires a special DOS command. It is much simpler to use only high density disks in those machines.

Even if all appears to be lost, however, there are ways to "mitigate the damage." First, off, realize that when a floppy disk "loses" its data, the data is not actually gone. Usually, the data is still there, and with the right software, it can be recovered. For example, the Norton Utilities, for both IBM and Macintosh, can "undelete" deleted files and, in many cases, can reconstruct files that have been corrupted. Also note that many word processing programs, including WordPerfect, automatically make backup copies as you work (but those temporary files are deleted when you exit the program).

It's best not to rely on last-ditch salvage methods, however. Instead, save often and promiscuously, and you won't feel like a character in a Franz Kafka novel.

Bar hoppin' Around the City

Continued from Page 7

of music, both new and old. Homers offers a standard selection of beer and mixed drinks. We especially like the fact that Homers has Bass Ale on tap. The bartender is friendly. When he's in the right mood, he'll play liars' dice with you for beers. If you're looking for a casual spot to hang out after a night of cramming, or if you just want to shoot pool and watch some TV, this is the neighborhood bar for you.

Harry's

2020 Fillmore Street

Harry's is another neighborhood bar, but quite a contrast to Homers. Although Harry's caters to the nearby Pacific Heights residents, it's not stuffy or pretentious. The patrons include couples, groups of singles, families and business people hanging out after work. The dress was casual, but ranged from jeans and polos to coats and ties. Harry's was crowded on our weekday visit, so we expect the weekend nights must be jammed here.

The interior recreates the mood of a European nightclub. The bar is from the 1890s, with beautifully carved dark wood. The fixtures and rails are brass and the light fixtures are interesting art deco pieces. The lighting is low, as is the music level, allowing you to carry on a conversation comfortably or scope out the bar and the other patrons.

The bar at Harry's offers just about everything. It stocks several brands of most liquors, and you can order from a variety of wines, aperitifs, and cocktails. Miller Lite and Anchor Steam are on tap and there's a large selection of bottled beers.

You can hear live music nightly at Harry's without having to pay a cover charge. We heard Patrick Mairer and The Essentials, who played a good mix of music, new and old.

Harry's offers a full menu, but for starters or as snacks you can order clams, calamari, Chinese Chicken Wings, Smoked Chicken Quesadillas and Cheese Fries with Red Peppers and Olives.

This is a good place to keep in mind all year long, not just for celebrating after exams.

Paragon

3521 Scott Street

This recent addition to the bar scene opened its doors last November to a San Francisco clientele hungry for something different. Over the entrance, a large slightly ruled metal sign greets

visitors with truck-stop chic. Paragon is a trendy place to be and be seen. As with most trendy places, it has a faux European setting with black chrome light fixtures, gray washed walls and minimalist decor.

A disadvantage of Paragon is the crowds. Since it borders both Pacific Heights and the Marina, lots of local yuppies frequent this new singles place. Lines start forming around 9:30 p.m. on weekend nights. The manager assured us that the lines weren't too bad.

If you can handle the crowds or if you actually prefer crowds, Paragon offers a full bar with a variety of beers on tap, from Albino Rhino to Sierra Nevada. Live bands perform Monday through Wednesday, and dinner piano performances run Sunday through Thursday. Paragon also serves typical American dinner fare from 5:30 p.m. to 10 p.m., with a pretty good appetizer menu which can be ordered at the bar, including pizzas and sauteed calamari.

Yancy's Saloon

734 Irving

Yancy's is a large bar frequented by both the college crowd and locals. UCSF Medical Center is just up the road, so Yancy's attracts a fair number of medical students and others in the health sciences. It's located conveniently on the N Judah Mini Metro line, so there's no need to drive after drinking away your exam ten-

open onto the sidewalk, allowing you to sit with your feet up and watch people go past. It's a good way to unwind after a long exam—or just for fun. The interior looks like a fern bar left over from the 1980s, furnished with tired but comfortable Victorian furniture. The eclectic atmosphere is completed by a cluster of antique figurines, such as old photo, Tiffany-style lamps, patterned rugs and old-fashioned bar signs.

The bar offers a full range of drinks and the standard beer selections, including Anchor Steam and other local brews. The mixed drinks are a bit overpriced and sometimes tasted very different from glass to glass.

Some food is available at Yancy's, but it's a bit out of place with the atmosphere. The standard munchies are pretzels, but they've recently installed a sandwich bar at the front, taking away some of that great window seating. You can get a variety of finger foods here, including focaccia, anchos, and eggrolls. They used to let patrons bring in a pizza from one of the neighboring pizzerias, but we haven't tried that since the new sandwich bar was installed.

The one major drawback to drinking at Yancy's is that it's a smoke place. You'll go home with that certain *eau de pub* on your clothes. Also, the wait staff is a little slow and sometimes a bit flaky.

Pier 23

Pier 23, Embarcadero Rd.

This is a great waterfront watering hole, good for afternoons and evenings by the bay. You can sit outdoors, on the porch or out on the dock, right next to the water. It's a sunny place to spend the afternoon and a "hoppin'" place to spend the evening. The atmosphere is mixed—white tablecloths and napkins, candlelight, and menus with naked babes on the front. The offerings are truly funky, featuring a selection of sex toys, condoms and nude photos. Overall, there's a good mix of people, both dressy and casual, from the office and from the docks. Live music starts around 10 p.m.

Pier 23 offers Warszewitz, Miller Lite, Foster's and Anchor Steam on tap, as well as a full bar. The nighttime snack menu for the deck is limited, offering only nachos and quesadillas. We ordered the quesadillas, which were pretty standard and somewhat overpriced. There's a full restaurant menu for those wishing to sit on the porch or indoors. During

Continued on Page 14

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In Camera Review : Pure Escape

Continued from Page 6

Thereafter, the film drags, as Gloria finally gets a chance on Jeopardy with Alex Trebek. In the end, Billy's love for the wagger gets the best of him as he cannot resist one last game.

If you're a basketball fan, a weekend warrior or just a fan of Woody from *Cheers*, *White Man Can't Jump* will leave you with a few chuckles.

Killer Instincts

What's all this uproar about *Basic Instinct*? We asked that same question as we attempted to see this flick when it opened in mid-March. Protesters, generally angered by what they saw as yet another degrading movie portrayal of gay life, had surrounded the entrance of the theater, chanting anti-Hollywood slogans.

Bright lights glared, network cameras rolling, as the picketers tried to turn away moviegoers by giving away the ending.

The controversy surrounding the film centers around Sharon Stone's portrayal of Catherine Wolf, a brilliant bisexual novelist with a liking for sex games and danger. Catherine is the suspected killer of her rock-star boyfriend, who was killed in the same manner as a character in her latest book: stabbed repeatedly with a dime-store ice pick while having wild sex, tied to a brass bed with a white Hermès scarf. Director Paul Verhoeven seems to think sex and violence are vital to the film. In fact, we see the remains of Catherine's boyfriend in all his glory glory as the opening scenes unfold.

This film is a sexy, glittery Hollywood-by-product of a "thriller." Unfortunately, Hollywood likes this stuff and people eat it up. So it's a chicken and egg question.



The film has attracted attention because of controversy, not quality. Director Verhoeven drags our emotions around in this lame whodunit. There are really no surprises. And why is Michael Douglas in this role? It seems his days

as the neighborhood Don Juan are numbered. The plot recycles *Fatal Attraction*.

Basic Instinct does trivialize the relationship between Catherine and Roxy, her sometime girlfriend, implying a lot of lewd and unnatural couplings between Catherine and her bevy of men. But I think it's more problematic that this film degrades women in general. Women are sex objects with insatiable appetites. Michael Douglas commits a violent rape against an ex-girlfriend in one scene that is never really explained.

There is lots of sex and attractive flesh in this film. Sharon Stone's pert breasts make many appearances, and then there's the bird's eye view of her crotch during a police interrogation scene.

Male fantasy here. Five middle-aged men interrogating a voluptuous blonde, dressed to kill, cocky beyond belief. We are supposed to be turned on by her headgames, by her aura of mystery. I'm sure many were. But do we have to be hit over the head with all of this? There were so many sex scenes, the audience became bored. In fact, when Nick and Catherine were "f—like rats" in the final scene, the music came to a dramatic crescendo and—the audience laughed.

Ultimately, the box office will decide whether this film is worthy of consumer interest. It is, after all, fluff. Hopefully, when the hoopla dies down, this film will die in obscurity.

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Italian Brunch Reviewed

Continued from Page 7

a calzone (folded pizza dough) which is stuffed with a mix of fruits, then baked in *Il Fornaio's* pizza oven. The dough was golden brown and crisp. A bit on the sweet side, this may not be the best entrée choice, but it's definitely different and a good extra to pass around the table. We also had the Sunday staple pancakes (aka FRITTELLE ALLO SCIROPPO) A CERO, \$6.50. The three dinner-plate size FRITTELLES were thin, light, and all agreed, melted in your mouth.

For egg lovers, the OM-ELETTE ALLA CONTADINA (\$7.75) was tasty and filling. The light, fluffy, and tasty omelette was filled with red onion, potatoes, and smoked bacon. A square of grilled polenta topped with a melted cheese sauce was served along with the perfectly flipped egg masterpiece. Besides the CONTADINA, numerous egg creations are available, like omelettes with sausage or veggies, poached eggs, or eggs any style. The kitchen even takes omelette requests.

In general, there is something for everybody and every diet, medical (if you have to watch out for the old folks) or otherwise. The menu lists no salt, no butter, and even no cholesterol options which all sounded delicious. If brunch isn't appealing, you can order items off the lunch menu during the later hours of brunch.

All in all, we were pleased with our selections. Portions were generous, without being too much. (Nobody had to roll us out to our car.)

With a class of more than 400, not everyone will be able to enjoy *Il Fornaio* on the day of graduation. If you agree with us that Sunday brunch is a good idea, here are some other suggestions. The following come highly recommended, but we haven't tried them all ourselves. (YES, that's a DISCLAIMER!!!)

Spinaker - 100 Spinnaker Dr., Sausalito - 332-1500. For those who want to treat out-of-towners to a trip across the famous Golden Gate Bridge, this place has a great view. They take reservations and brunch items run from \$7 to \$14.

Pastrio - 545 Post St., San Francisco - 776-7825. Definitely an "in place" to be seen, the brunch items here are pricey, ranging from \$10 to \$17. The "California flair" entrees sound a bit out of the ordinary. Probably not a great place for the bacon and eggs crowd. Reservations are accepted.

Douge's Kitchen - 2217 Union St., San Francisco - 921-2149. A San Francisco favorite, this home-style restaurant takes reservations. Entrees range from \$7 to \$10.

Sequoia Fine Food - 439 Powell St., San Francisco - 986-1160. This San Francisco institution will only take reservations for parties of 6 or more, and ONLY ACCEPTS CASH. The coffee shop fare ranges in price from \$4.50 to \$9.00, and you can expect to be served by a chipper grandmoderly waitress.

Of course, when talking about Sunday Brunch, one can never forget the old standard - the HOTEL BUFFET. San Francisco has an ample supply of hotels that serve classy brunches, but we leave the research on this one up to you.

WHAT BAR DOESN'T T

BARPASSERS' CLAIM:

More students take Barpassers than any other course.

WHAT THEY DON'T TELL YOU:

More students pass the bar using BAR/BRI. Out of the 4,053 applicants who passed the Summer 1991 Bar Exam 1,970 of them were BAR/BRI students (48.6%) and 1,853 of them were Barpassers students (45.7%).

BARPASSERS' CLAIM:

Barpassers has the highest published pass rate.

WHAT THEY DON'T TELL YOU:

While Barpassers claims that more students took their course last summer, BAR/BRI passed 117 more students.

BARPASSERS' CLAIM:

Barpassers has live lectures at more locations than BAR/BRI.

WHAT THEY DON'T TELL YOU:

Barpassers does not have any live substantive law lectures. Most lectures are on video with the exception of Wills, Trusts, Community Property, and Remedies. Wills, Trusts and Community Property are on audio cassette only. Barpassers does not offer a Remedies lecture.

BARPASSERS TELL YOU.

BARPASSERS' CLAIM:

BAR/BRI is a national course offered in 44 other jurisdictions and does not focus on the California Bar Exam.

WHAT THEY DON'T TELL YOU:

The California Bar Exam tests general principles of law on all subjects except Wills, Community Property, and Professional Responsibility which test California Law. While BAR/BRI has California ABA law school professors lecture on all of these subjects, Barpassers does not offer in-class Wills and Community Property lectures. All of the BAR/BRI professors tailor their lectures to the unique demands of the California Bar. They study all of the past California Bar Exams and identify trends and recurring topics in their lectures. In addition to BAR/BRI's substantive law lectures, BAR/BRI has Essay and Performance Test Workshops that specifically focus on the law and technique necessary to pass the California Bar. BAR/BRI has successfully prepared law students for the California Bar Exam for nearly three decades.

BARPASSERS' CLAIM:

Based upon interviews with Barpassers staff attorneys, Barpassers students rave about their course and feel confident about passing the bar exam. Conversely, interviews with former BAR/BRI staff attorneys indicated that BAR/BRI students are ambivalent about their course.

WHAT THEY DON'T TELL YOU:

Those former BAR/BRI attorneys now work for Barpassers. In addition, almost all of Barpassers' attorneys used BAR/BRI, not Barpassers, to pass the Bar Exam - whereas all of BAR/BRI's attorneys used BAR/BRI to pass the Bar.

OPINION

En Banc

Diversity: It's Time for Open Discussion of the Issue

Wow. Once somebody got the ball rolling, the new public comment board seemed almost to explode with point, counterpoint and public virioli. As a forum for public expression, it's certainly working. But is it enough?

Perhaps not. In particular, disputes over race, disability, sexual orientation and gender issues at Hastings have recently taken over a good deal of the public spotlight. There is widespread sentiment that Hastings has too many white men on the faculty, or at least too few women and people of color. This sentiment, expressed alternatively as a need for diversity or as a demand for some sort of affirmative action, is of course far from universal. Even among the more vocal proponents of diversity there is often bitter division as to how diversity is to be achieved. The result, as we have all seen, is a campus divide.

This division is not healthy. An issue as important as this should ideally be widely discussed, by faculty and the administration as well as by students. Unfortunately, the present climate on campus tends to discourage calm, collected dialogue. At the moment, most members of the Hastings community have abandoned the floor to those few who are not uncomfortable with a confrontational style of public debate. If you doubt this, read the comment board.

What is to be done? How can we set up a forum in which all members of the Hastings community will feel comfortable discussing diversity? Ideally, the public voids between students, faculty, and administration should be bridged. Moreover, any new forum should encourage thoughtful discussion rather than polemic. The easiest way to do this would be to find a way to limit the speech of the most confrontational on both sides of the issue, but this is obviously an unacceptable solution. Perhaps if prominent members of the Hastings community were to set the tone by engaging the issue in a thoughtful way, this would establish the possibility of reasoned, careful dialogue and encourage others to engage in it.

Some concrete suggestions are in order. For example, perhaps we need to have a series of panel discussions. By this, we emphatically do not mean to suggest fool-proof panel discussions at which four outside experts debate the importance of diversity to modern education. Instead, let the people involved in hiring decisions discuss with the audience the actual methods used to make hiring decisions. If that's confidential information, it should be. Or how about a mixed panel of deans, students and faculty, actually debating whether affirmative action helps or hurts the cause of diversity? Is the issue too sensitive to be discussed this way? That's the point. Until we confront these issues in a meaningful way, the anger and bitterness common to both sides will continue to boil over.

One thing is certain. Nothing is served by the continued silence of the majority of the Hastings community. There is a lot of anger underlying this issue, but the problem cannot be solved by the angry people alone. Until the rest of the Hastings community bands together to find a solution acceptable to everyone, Hastings will be a divided community, unable fully to concentrate on the educational purpose which should unite us all.

Offensive Humor

Dear Editor,

Originally, a "Fool's Day" celebrated the opportunity to "turn the world upside-down"; to break down stereotypes and the walls dividing human beings. Done well, it required creativity, appreciation, subtlety and wit.

Unfortunately, when half the wit necessary is brought to the project the result can be offensive and hurtful. I write more from experience as the offender than the offended. I did not attend Law Review because, ironically, I was in oral argument defending a statute regulating bias-motivated conduct. I understand there were several points during the production where people were referred to as "thicks" and "babes," as well as references by crude sexual stereotype to identifiable persons in our school community.

I am most surprised that it would not be assumed the audience would walk out on such attempts at humor. When I was in the Marines such talk was the product of starved, even brutalized, affections and a lack of imagination. By intention and fortune I have since been in social circles where such humor is understood as unacceptable. I see no merit in the defense that "it was all in jest." Psychologically speaking, the revelatory nature of humor should make us especially alert to the messages and attitudes conveyed when we act "in jest."

Protest is necessary. This is not for my wife, my daughters or my friends who are women; they can obviously speak for themselves. I find such humor offensive and degrading. I hope in the future we can laugh with each other.

Terry Symens-Bucher
1st year

Money Sense

Editor,

I recently attended an exit interview for Stafforded and SLS loans at which the bank encouraged students to pay off their loans early.

Payments on Stafforded loans include precomputed interest. Under the formula that the banks use, this means that most of the interest is paid in the earlier payments. Students who pay off their loans before they mature will probably have already paid most

of the interest.

For example, the precomputed interest on a 12-month loan for \$1000 at 10 percent is \$100. The first payment includes 12/78 of the total interest, as computed over the scheduled 12-month life of the loan, or \$15.38 ($78 \div 12 + 1 + 10 \div 100 = 2.2 + 1$). The second payment includes 11/78 of the total interest (\$14.10). The third payment includes 10/78 (\$12.82), and so on. After six months, you will have paid 73 percent of the total interest, or \$73.00 ($73 \text{ percent} = 12/78 + 11/78 + 10/78 + 9/78 + 8/78 + 7/78$). That means that if you



pay it off halfway through the scheduled life of the loan, you will not save half of the interest (\$50.00), but only the 27 percent that remains outstanding (\$27.00). Interest is ordinarily deducted from early payments according to this formula.

Interest on a ten-year loan is even more heavily concentrated in the earlier scheduled payments. Students who pay off their loans early will pay off "cheap" debt, upon which they owe little interest. The interest they avoid will likely be less than the return they could have realized on the money had they invested it, and the student may even lose the savings to inflation by the originally scheduled time of the last payment.

Some people may want to pay off early anyway, to avoid the hassle of monthly payments or to

make more money available for future student loans. However, students should know that from a purely financial perspective, it doesn't make sense to do so.

Russell Morlyn
3rd Year

Oklahoma Slandered

Dear Editor,

Your April 1 article on the California Bar's attempt to keep the number of lawyers (competition) low by increasing the difficulty of the bar exam was a joke! As a graduate of the University of Oklahoma, I feel I must answer the slander propagated that the seemingly more generous Oklahoma Bar requires only that the applicant spell his or her name correctly twice in a row, thus yielding a consistent 98.7 pass rate. Although that much is certainly factual, it slanderously overlooks an essential truth: all these difficult questions on the California Bar are mere window dressing; the bar graders, my sources tell me, don't exactly labor over the exam answers as many of you naively imagine. Instead, they gather at fine hotels around the state to enjoy unlimited beer on tap, all-you-can-eat surf 'n' turf, X-rated cable T.V. and deep massages by third-time bar candidates. Only after they are completely satiated do they get down to the business at hand. How do they score the exam? Just like in Oklahoma; they simply check whether or not the candidate has spelled his or her name correctly twice in a row — and THAT accounts for the low 50.2 percent California pass rate.

Will Rogers had it right some fifty years ago when he said of the great migration of Okies to California during the Great Depression, "It raised the IQ of both states." "Some things never change."

John Effinger
Bookstore Manager

Letters to the Editor

Letters are accepted from anyone, but they must be typed or legibly handwritten and double-spaced. Letters should be clearly marked as such and must bear the writer's signature and name. We will limit the space given to frequent contributors or lengthy letters to ensure that a forum is available to everyone. We cannot print letters submitted without signatures, but names will be withheld upon request if the circumstances warrant such action. Letters do not represent the opinions of the *Law News*, its staff, or Hastings College of the Law.

Guest Opinion

Tabloid Accusations Don't Promote Diversity

By Gordon Burns
FIRST YEAR

Recently some students displayed a piece of posterboard showing pictures of the faculty. The pictures were divided into three groups: minorities, women, and white males. A caption demanded: "What's wrong with this picture?" Since the "white male" group appeared much larger than the other groups, the sign suggested that Hastings has engaged in discriminatory hiring practices. Indeed the sign leaped past this inference and blared: "Demand Diversity!"

The sign invites nothing but scorn. One would want to see a compelling case for such a serious allegation as discrimination. For example, the students could have presented evidence that comparable law schools have a higher percentage of minority faculty members than Hastings. Or they could have explained how specific aspects of the hiring process allow discrimination to go undetected or undeterred. Most helpful would be documented evidence of one even incident in

which Hastings discriminated against an individual. But the students offered no such evidence. Instead, they managed to ferret out racism and sexism with a pair of scissors, posterboard, glue and a copy of the faculty profiles. The beauty of this test is in its simplicity. Simply arrange the pictures in these groups, and if one group appears larger than another, bypass further examination of the situation, and go slander somebody.

The perceived imbalances simply do not prove — or even reasonably imply — discrimination. Many of the white male professors are a bit long in the tooth. This makes sense since, historically, fewer women and minorities pursued careers in law; thus the pool of veteran professors and judges is weighted toward white males. Conversely, the women and minority professors appear relatively young. This may reasonably indicate that Hastings has made an effort to hire qualified professors of this younger generation. One wonders if the accusing students even bothered to obtain the administrator's

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News, features, and opinion articles are accepted from the community at large as well as students, but publication cannot be guaranteed. Prospective opinion writers should contact the editor-in-chief early in order to reserve space in the next issue.

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"From dialogue comes truth."

Guest Opinion

Death Penalty: Look at the Facts

By Terry Diggs
ADJUNCT PROFESSOR

"I like my convictions undiluted, like my bourbon."

George Brent, in Warner's antebellum melodrama, *Jesse* (Wyley, 1938)

This is an article for law students who support the death penalty. Am I going to try to change your minds? No thanks, I know my limitations.

This is also an article for law students who oppose the death penalty. Am I going to praise your discernment? Stay tuned and find out.

I am not an expert on capital punishment. I am probably not even an expert on the way in which law students discuss capital punishment. But the *Harris* case—and what I hear you saying about *Harris* in class, and in the elevators, and in line at David's—has given me some sort of impression of what you talk about when you talk about the death penalty. And, invariably, what you say about *Harris* is based upon—and limited by—your convictions about the morality of capital punishment.

There's the problem. Convictions, especially moral convictions, are so convenient. Like

We know the pro- and anti-death litanies. What are the facts?

Brent, we have the kick of taking a position on an issue in which a position seems politically, and perhaps professionally, desirable. Like Brent, we are spared the unpleasant taste, which arises from a confrontation with facts which call our position into question.

Let's look at how convictions remain undiluted by the facts on four issues common to the capital punishment discourse:

I. The Bird Court reversed an unprecedented number of death penalty cases.¹ Now, here's an easy one. The phrase "Bird Court" elicits position-peak from all factions. For death proponents, there is "Acting according to her personal agenda, Bird arbitrarily short-circuited the execution of hundreds of appropriately-sen-

tenced killers." In the anti-death camp, the party line is a simple one: "Right on, Rosel! Conveniently, nobody has to be bothered with the facts. That's too bad, since the facts are themselves remarkable."

The Bird Court reversed 60 capital cases. Of those 60 cases sent back to local courts for retrial, 20 subsequently resulted in non-death verdicts. In two more of the cases, retrials resulted in acquittals. The decision that one-third of all the persons previously sentenced to death should not be put to death at all was made neither by Bird, nor by liberals. The ultimate decision that the original death verdicts were not supportable came from everyday jurors—many of had undoubtedly rushed to their polling places to participate personally in voting Bird from the Court.

II. "Habeas corpus has become a process for the ceaseless litigation of groundless claims raising arcane issues." The pro-death position has taken concrete form: *McCleskey v. Kemp* limitations, the Hyde Amendment, the scrutinizing procedures effectuated by Fifth Circuit Judge Edith Jones. The anti-death faction has decided expediency and invoked the historic position of the Great Writ. Facts, anyone?

First, what about those "groundless" habeas claims? According to a recent *Washington Post* report, federal courts that, is, courts dominated by Reagan-Bush appointees have found it appropriate to grant relief of some kind in 40 percent of the capital cases in which habeas petitions have been filed. And as to those "arcane" issues? Take, as Professor Monroe Freedman did in the March 25, 1992, issue of *The Recorder*, the "arcane" issue of factual innocence. Present limitations on the availability of the Great Writ will probably result in the execution of Roger Coleman on May 20. Coleman, a Virginia prison inmate, will die despite the fact that state authorities suspect another person committed the rape-murder with which Coleman is charged. (Newsweek, April 6, 1992)

Is Coleman's case unique? No.

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and the number of Death Row inmates whose factual innocence will become clear too late in the appellate process for cognizance within current standards of review will rise. Some time this summer, the U.S. Supreme Court will hear arguments in the case of Texas inmate Lonel Herrera. Herrera asks the Court to decide whether executing someone for a crime he did not commit constitutes cruel and unusual punishment. On a recent PBS panel, Justice Antonin Scalia provided a preview of the Court's opinion. Asked to remark on the execution of a man who is now known to have been innocent of the crime for which he died, Justice Scalia quipped, "Well, he was probably guilty of something."

III. "The appellate process allows executions to be too long delayed." Robert Harris has sat on Death Row for twelve years. We know the pro- and anti-death litanies. What are the facts? One fact, as the Freedman article notes, is that Gary Nelson spent so long awaiting execution on Georgia's Death Row that Chief Justice Warren Burger criticized Nelson's lawyers for prolonging the appellate process. Nevertheless, as Nelson's appellate battle reached its eleventh year, the prosecutor's office which had brought Nelson to trial revealed that Nelson's conviction had been the result of manufactured evidence and perjured testimony. Nelson was released. Statistics compiled by the Death Penalty Information Center reveal that a period of slightly more than one year, January 1989–spring 1990, newly discovered evidence resulted in the exoneration and release of four condemned inmates, each of whom

else anyway."

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Guest Editorials

People interested in writing a guest editorial are urged to discuss their choice of topic with the Opinions Editor. Prospective writers may leave a message in the *Law News* box in the SIC office or call 563-4786.



Thanks for the Memories—The Check's in the Mail...

By Margo Buckles

Editor at Large

As always, the long-awaited end of the year rolls around. And traditionally, the editor in chief writes a column such as this one, in which she tells you straight out (in case you hadn't looked at that box that appears each month on the opinions page) who brought you the paper this year. This is also my opportunity to thank all the people who put in long hours of work in writing, editing and producing the *Hastings Law News*.

Goodbyes, congratulations (for escaping, if nothing else), and thank-yous go to third year Kemy Monahan, Jo Vadala and Betty Johnson. Betty, who was with the paper since she was a wee first year, has filled almost every role at the paper except editor in chief. We thanked her formally on her "official" gradu-

ation from the paper and the *Law News* at the end of last semester. However, even after taking the February bar exam, she dragged her groggy self into our basement office to help edit copy. Kemy, our "spiritual" leader, was our executive editor, a job in which one must be a jack-of-all-trades. She tirelessly pursued stories, sat in on meetings, gave us pep talks and smoothed out the glitches in our staff editorials.

Joe deserves special thanks. In exchange for a little desk space in the office, he wrote the stories that no one else wanted, came in for hectic, last-minute production, and soothed one stressed-out editor's raw-edged nerves. He was perhaps the happiest person in the office. We decided that he should get a special award as the only law student we know who knows how to have fun and live life to the fullest.

I also have to mention the work

of Janet Frankel, who didn't reveal her computer skills to us until it was too late to harness her to the production wheel.

Next, special thanks need to go to the second year students who have stayed with the *Law News* through their most trying year. John Z. Holtrichter, our news editor, struggled with a full load of classes, journal, and his responsibilities at the *Law News*, which included just about everything. He was an especially useful person to know when it came to the *Law News*; his understated sense of humor helped round out our raw edges. He and I were Sunday sad music; we spend many hours together on Sundays finishing stories and laying out the paper on the computer.

Joyce Alcantara, the *Law News* features editor, was our "invisible" partner, in the good sense. Although I hardly ever saw her in the office, she always had a

full section with a variety of stories and was always ready to go on time, a feat which deserves special praise because it happens irregularly in the *Law News* basement.

Daniel Boone filled in for Betty in the middle of the year; he put together an editorial page that always generated a fistful of letters. I also want to thank the man on the scoreboard who brings you the photos. Every month, Derek Berber coordinated the photographers, sized the photos and gets his physical exercises by taking the photos to the developer and to the half-tower. Derek has tried to expand the quantity and quality of our photo coverage. I think he did a great job, especially considering how busy he was with work and other projects.

I have to say that Peter Turcotte, our production editor, has been totally wonderful. He is cheerful, efficient, and a whiz on PageMaker 4.0. He recruited about half my old section to come down to the basement and type stories, letters and ads into the computer. Of all of us, he is the calmest in an emergency—he is always able to sit down and think of a solution to our last minute problems. Also, he is the man who physically brings you the *Law News*. We put him to work dropping off the paper at the printer at night and picking it up the next morning. With some help, he also distributes the issue to the stands on campus. Other things in his favor is that he puts

up with me and laughs at my jokes. Who could ask for more?

I also want to thank Martha Bridgeman, who has put a lot of energy into the paper. Martha stepped in and took over where John Andrews (last year's editor and West Block purveyor) left off. She continued investigation of the administration's action on the West Block properties. Martha also spends countless hours making sure our stories sound like news. You will be hearing more from Martha in the next few years. I am sure. Martha, along with Holly Holdrede, also took over the position of copy editor. They kept us in line, grammatically.

Amey Lasley, our advertising editor, is probably the most important person on the paper. Without her, we wouldn't be able to bring you a paper at all. No money, no speech of any kind—free or speculated, Amey's another first year student who realized that studying isn't everything. And we are glad she realized it early!!!

There is not room to thank personally everyone who wrote, shot photos and contributed to the paper. Their names have appeared in the paper's bylines, photo credits and in that box I mentioned earlier in the column. I have been impressed by the professional work and the level of responsibility that everyone took on to get the *Law News* out to our readers. Thank you, each and every one of you, for your help in getting Volume 25 out on the racks.

Lawyers' Responsibilities and the Death Penalty

Continued from Page 13

had spent a minimum of ten years on Death Row.

Does California's well regarded system of protections for those accused of capital crimes immunize us from errors of this magnitude? Three weeks ago, the Los Angeles County DA's office petitioned for the release of Clarence Chance and Benjamin Powell. Chance and Powell had been imprisoned for 17 years for the killing of a police officer, a capital crime. Had Chance and Powell not been charged during the brief period when California had no death penalty, had relief depended upon meeting present streamlined standards for appeal, both Chance and Powell would have been executed years before the truth in their cases emerged.

IV. "Under our present system, we are executing those whom society should, and does, regard as genuinely evil." There is, of course, an uncomfortable point of agreement between both factions of the death penalty controversy. Some crimes are so heinous that, in spite of our cultural insensitivity to violence and tragedy, we are stunned. But what are the facts about whether it is the perpetrators of these crimes who are being executed?

"We're not Nazis," a relative of one of the boys killed by Robert Harris recently stated in asking Governor Wilson to stay Harris's execution. ("We don't kill our mentally incompetent people." [San Francisco Examiner, April 11, 1992] The perception is a

common one; unfortunately, it is not also a factually supportable one. Statistically, "our mentally incompetent people" are exactly whom we do kill. A 1986 study published in the *American Journal of Psychiatry* concluded that, of 15 inmates who were selected for study based upon the immaturity of their execution dates, all showed significant evidence of brain and/or neurological damage.

In *Perry v. Lynaugh*, the case of a defendant whom even the state conceded had the IQ of a seven-year-old, the U.S. Supreme Court held that extreme mental retardation was not a bar to execution. A prisoner recently executed in Georgia had an IQ of 49 and was described as unable to "tell you whether he is American or Chinese." Well, that's the South for you. Or is it?

Anticipating difficulties with California's mandatory pre-execution sanity examination, San Quentin officials have recently made a serious effort to teach a 35-year-old inmate to count. In another case, a San Quentin pre-execution sanity evaluation noted as "quiet" an inmate whom prison officials admit has neither spoken nor moved from a fetal position more than a year.

There are, of course, many issues, and many facts which underlie them. There are just as many reasons why, as lawyers, might decide that facts should not be allowed to dilute your convictions about how capital punishment actually works in this country. One reason is, of course, that knowing the facts may require you to reassess what you think of as your politics. That could lead to the hard stuff: a reevaluation of how you define yourself, how you define the way you do, what you will tell employers in a tight job market. Another reason is that the intrusion of facts may require you to reevaluate your position in relation to your profession. In whatever towers inaccessible to capital litigation you hide (Corporate mergers? Patent infringement?), you will have taken the Law's name. Can you avoid responsibility for the Law's effects? A third reason to keep the facts at bay is, of course, that not doing so may change the way you live. I am reminded of a long-ago, but well-remembered, encounter with modern medicine. "Have I mentioned," my doctor leaned over the gurney to tell me, "that this procedure isn't painless?"

Don't Judge A Faculty by its Cover

Continued from Page 13

position. Maybe, instead of a picture-and-glue analysis, a concerned student should attempt to audit the last twenty positions filled, to specifically examine the process for evidence of discrimination. Maybe the answer can't be found simply by artfully arranging pictures of the faculty.

Since the accusing students have singularly failed to raise any legitimate issue, they cannot content themselves with having raised one for public debate. Instead, they have leveled a very serious charge with no supporting evidence. At best, this is the stuff of

supermarket tabloid; at worst, it smells of McCarthyism. And, perhaps most importantly, such rank tactics discredit these students in the eyes of reasonable people, who now may not listen if the students ever come up with a real issue.

The unsubstantiated accusation is unfair to Dean Dead, Dean Kane, Dean Prince, the faculty, and other parties who partake in the hiring process. The responsible students—who neglected to sign their artwork—owe either an apology or some credible evidence to back up their claim.

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Professor's Forum

Toward Conversations Instead of Clashes on "Political Correctness"

By Eileen Scallen
Professor

I would like to respond to the debate between Ms. Martha Bridegam and Mr. Daniel Boone on the issue of "political correctness" (a.k.a. "the PC movement"), published in the March 3 issue of the *Hastings Law News*. Ms. Bridegam contends that there is no such thing as the politically correct movement — that the "PC" label is void for vagueness. Mr. Boone argues that to be PC is to substitute trends in political causes, language and even eating (is vegetarianism really PC?) for evidence and arguments. I think both Ms. Bridegam and Mr. Boone have some valid points. The difficulty I have with their positions really begins with their format for this subject — a debate. The debate format relies on a "clash" of viewpoints: pro versus con, affirmative versus negative. This is the type of adversarial discourse as which law students and law professors excel. But what would like to do here is to suggest a third view. Of course, a third view doesn't clash neatly with either end of a dichotomy. When dealing with PCism, however, I think this refusal to clash is actually beneficial.

Like Ms. Bridegam, I have problems identifying the truly PC. I can spot those who are against racism, sexism, homophobia — all traditional symptoms of political correctness. The problem is, I tend to agree with the argument these individuals make. For example, I happen to believe that discriminating against someone on the basis of race, sex or sexual orientation dehumanizes that individual, and that this is morally

not currently taught. In this respect, I favor "multiculturalism," which also has been branded as PC. But I don't call myself politically correct. Moreover, I can't think of anyone who believes in these points and has adopted the PC mantle. However, I do happen to know plenty of individuals who call themselves "anti-PC." Ms. Bridegam is right: there is no PC movement. Daniel, there is only "anti-PCism."

However, like Mr. Boone, I can spot dogma (12 years of Catholic education, 4 years of Lutheran education, and 3 years of legal education helped me). I define dogma in opinion, "tenets or doctrine authoritatively laid down," whether by a church, a sector or school of thought, *Oxford English Dictionary*. The hallmark of dogma is that it asserts the basic point that the listener would like to see established. Dogma proceeds "upon a priori principles accepted as true, instead of being founded upon experience or induction." *Id.* One can have an argument on dogma, but the argument may be rather unpersuasive to anyone other than a true believer. Mr. Boone is correct that dogma can come from the political left as well as the political right. For example, as I just suggested, diversity may be a valid objective in education. But too often "diversity" becomes a dogma rather than a goal to be defined and developed. To illustrate, what do we mean by diversity? As one of my colleagues has asked, does diversity include differences between groups or differences between individuals? If the former, are all members of a given group to be valued equally for their diversity — is former Supreme Court Justice Thurgood Marshall indistinguishable from Justice Clarence Thomas? To let the concept of diversity slide into dogma can have unintended and, perhaps, unwanted consequences. Last year, at one midwestern law school, a very conservative white man was hired under the rubric of "diversifying" the faculty. While some proponents of "diversity" would applaud this hiring decision, other proponents of "diversity" would be outraged.

Both Mr. Boone and Ms. Bridegam miss what I see as becoming a central problem. Dogma can descend into categorizing and labeling. To some degree, this is an inevitable consequence of language. However, a real prob-

lem results when there are no longer arguments based on dogma, but the mere assertion of dogma, and, worse yet, simply the shorthand for the dogma — a label or a category. Progress — whether viewed from the right, the left or the in-between — occurs only if we can criticize and correct our politics, in part by deploring the language and expelling the dogma behind it.

However, as we fight towards progress, we should watch our language. Those who love to denigrate "white males" and "their" history and culture should think again. The speakers most likely to refer to "white males"

printed from *The Wall Street Journal*, Dec. 26, 1991). While I may not agree with Mr. Kelner's politics, I agree that the PC label has provided conservatives with a red herring, distracting attention from their actual concerns.

The "anti-PC movement" also has attracted the ire of a number of those from the left side of the political spectrum, individuals who oppose racism, sexism, and homophobia. Even Garry Trudeau, the liberal (once even radical) creator of the "Doonesbury" comic strip, has done anti-PC jokes (he once depicted a model commencement speech sanitized and deconstructed by an "Intra-college Sensitivity Advisory Committee" when all potentially offensive comments had been removed, what remained was: "Thank you and good luck").

The problem is that when one analyzes the power of labels and language to construct our world, and suggests limitations or alternatives to the way in which we speak (e.g., substituting "differently abled" for "disabled"), one threatens the traditional liberal sentiment for freedom of speech



and "their" ilk are those who should understand the divisive and dehumanizing effect of categories and labels. To use a label such as "white males" is at best careless and at worst hypocritical.

Similarly, we should stop labeling individuals or their proposals as PC — a strategy which, oddly enough, has been adopted by both conservatives and liberals. Although the PC label was quickly adopted as part of the conservative vocabulary, at least one conservative has opposed PC-bashing. Robert K. Kelner, former president of the Princeton University Young Republicans and a founder of the conservative newspaper *The Princeton Sentinel*, noted that "many conservatives actually want a politically correct campus. It's just that right now campuses are politically 'incorrect' as far as we can see."

Kelner urges his fellow conservatives to address "the liberals' fallacious argument about rights" on the merits "rather than slipping past the real issue and broadly tarring our opponents for their transgressions against the First Amendment (since when did we become card-carrying members of the ACLU?)" (*Lingua Franca*, Feb./Mar. 1992, re-

from speaking out by the fear of being labelled and dismissed as "PC." We should not hinder this course opposing racism, sexism, or homophobia by perpetuating the PC label).

If we discard the PC label, we may not need to worry much about chilling discourse from the right. Mr. Kelner notes, "Campus conservatives prided themselves on having thicker hides than the whiny hodgepodge of special interests on the left. The left might glorify the politics of victimization, but not us. Liberals might feel 'marginalized' by the slightest challenge, but not us." *Id.* Although I don't believe that Mr. Kelner speaks for all conservatives, I'm willing to bet that he is correct, at least on this point.

We cannot and should not eliminate all dogma, generalizations, categories, and labels from our language. I suggest, however, that we begin once again to think and to talk about the genuine power of dogma, categories, and labels to stigmatize and retard progress in the area of human understanding and individual rights. We need less polarized debate and more discussion.

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wrong. I also happen to think that we should include diverse (racial, cultural, sexual, political and philosophical) points of view in education — whether professional, undergraduate, high school or grade school. Moreover, I think there is room in curricula for many perspectives and subjects that are

Curriculum Changes Ahead 3d Years Dragged Back into Classroom

Continued from Page 2
one semester.

"We don't want students to go through the first year without learning about statutes as a primary source of law," Dean H.G. Prince said. He said the new classes will also give students some say in their schedules during the first year, let professors teach in their areas of expertise, and prepare students for later courses that deal with statutory law.

Prince said the statutory class topics are subject to change.



"I'd like to see a consumer credit protection-type course offered in future years, but we've got to find someone willing to teach such a course," he said, adding that he might be interested in teaching it himself.

The new courses will earn three credits each, while torts becomes a one-semester, four-credit course, and contracts earns only five credits over the full year. The first year course load remains 15 credits per semester.

No Holds Barred to A Happy Graduation

Continued from Page 8

lunch, you can get a full selection of sandwiches and salads both indoors and outdoors.

Fillmore Grill,
2301 Fillmore Street

There's no sign outside, so look for the white building on the corner of Fillmore and Clay. Inside, a series of levels lead through the bar area and up to the restaurant. This separates the bar and the restaurant nicely, but the two still blend well to create an energetic atmosphere. The bar itself looks like a stylish antique, with the usual large mirror and giant bouquet in the middle. The decor is dark wood contrasted with glossy white paint, and the soft lighting is punctuated by small candles at each table.

This is a bar for those who actually live and work in San Francisco, in contrast to the more trendy Triangle bars which attract the out of town crowds. On

weekends you'll find herds of singles at the Fillmore Grill, but on the weeknight we dropped in, there was plenty of room to relax. The atmosphere is upscale yet comfortable, and the windows at the front corner offer a good vantage point for people watching. Unfortunately, the large TVs are somewhat out of place and distracting.

The Fillmore Grill offers a full range of drinks. The beers on tap are Miller Light and Anchor Steam. The kitchen closes at 10 p.m., too early for us, but the hours d'oeuvres looked great: oysters on the half shell, cornmeal fried calamari, Santa Fe chicken salad on a cornmeal crepe, Louisiana style chicken and sausage gumbo.

If you're working in San Francisco for the summer or after graduation, keep this place in mind.



CORRECTION
In the March 5, 1992, issue of the Law News, the pictures of BLSA's events in celebration of Black History month were shot by Sandra Jones.

Diversity Day: Students Break Mold, Boycott Classes

Continued from Page 2

speakers' platform to explain how even oversleeping before a class is an impossible luxury for him. He said it takes him 45 minutes to get ready "on a good day." Likewise, he described a dyslexic student's battle to absorb a single page of a casebook.

Kate Dyer of the Hastings Alliance of Gays and Lesbians said many law students avoid activism for gay and lesbian rights because "you won't even get a summer job if it's on your resume."

Jason Carter recalled how jokes about "ten little Indians" hurt his Native American grandmother, and how she "was made a ward of the government, unable

to vote or represent herself."

"Hastings, this is a wake-up call!" announced Algernon Tucker, who has since become co-chair of the Diversity Coalition. "Look around you. Where are your classmates? Why are they in class? I know people who cut class for no reason at all."

Last year's Diversity Day drew a crowd of around the same size, but that year, organizers estimated 40 percent of the student body boycotted classes. Classes were not so noticeably empty this year.

Organizer Brian McAllister said the Diversity Coalition concentrated on "celebrating diversity" rather than on the student strike.

"I think the day wasn't as successful as past days have been, but I think it was as successful as it could have been," McAllister said. He said the comparatively low attendance and some criticisms that followed the event reflected the spirit of "a country that's so filled with venom and backlash."

The Comment Board, newly printed in the hallway opposite Classroom A, was inaugurated by an attack on Diversity Day, and quickly filled with debate over the advisability of holding the event.

"My feeling is that at Hastings, the questions about what the goals of an educational institution are have become so mixed in questions of race and sex that even the most positive celebra-

tion of diversity becomes very confrontational," McAllister said.

"I think at Hastings there was a lot of backlash for what was a very cautiously organized week," McAllister said. He said members had made a point of inviting all student organizations to participate, including the conservative and libertarian Federalist Society.

At the affirmative action forum, Rocio Cordoba, a recent Hastings graduate now serving as an ACLU fellow in Chicago, said a faculty with diverse origins and ideas would allow more students to feel comfortable talking with professors, seeking their advice, and forming the sort of mentor relationships that often lead to professional advancement. A more diverse population of professors would educate a more diverse group of successful lawyers, she said.

Nancy Dawson, Hastings' new head of services for students with disabilities, said that in her previous job at City College of San Francisco, "We had a heck of a time convincing the powers that be... that persons with disabilities should even be included in affirmative action."

However, she said Americans with disabilities have suffered from many of the same forms of discrimination as members of ethnic minority groups. For example, she said educators often underestimate their abilities and

employers often reject them. Even now, she said only 7 percent of disabled people are now employed, and many of those work in menial jobs.

University of Santa Clara School of Law professor Margaret Russell said she was disturbed to see the popular debate on affirmative action shifting to the right.

"The center has moved so much to the right that some people who five or six years ago would have subscribed to the principles of affirmative action, are now acting as though it's something to be apologized for, at the very best," she said. "I find this to be very distressing."

She criticized beneficiaries of affirmative action, including Supreme Court Justice Clarence Thomas, who "turn around and

slam the door behind them."

"As professionals of color, we have a duty to remind people who have implemented affirmative action programs of the very success of them," she said.

Russell said affirmative action should be regarded as a new way of defining and rewarding merit, not a set of arbitrary preferences.

"There seems to be a specter in the public discourse that minorities, that women, that gays and lesbians, that disabled people are taking over the world, that they're getting every job that's open, that no opportunities are available for everybody else," Russell said. She said a look at actual hiring statistics, such as the composition of the Boalt Hall faculty, would prove otherwise.



Photo By David Harnack
Diversity Day keynote speaker
Aundré Heron.



Photo By David Harnack
Rob Hadlock speaks to the Diversity Day crowd on Hastings Beach.

West Block: Hastings Chooses Lincoln Property

Continued from Page 1

The meeting authorized Hastings' legal staff to negotiate and draw up a tentative "pre-development" agreement that would be subject

Hastings' attorneys are now working their way through the many layers of conditional language in the proposed contract.

As of press time, no contract

proposed agreement, Lincoln would spend its own money on a study of the development possibilities for the land around the 200 building, and in return would receive the "exclusive right to negotiate a development agreement" with Hastings for the actual development contract.

However, Hastings has given Lincoln no public promises of paid work: the company gets the right to negotiate with Hastings first, but the college is not allowed to see that the negotiations lead to a development contract with Lincoln. It may still choose to turn its back on Lincoln and work with another firm at any time.

Henry, who is directing Lincoln's work with Hastings, said he was particularly concerned that Lincoln might not be protected if the exclusive contract promised by Hastings were void by state law. He said he wanted to make sure Lincoln would be reimbursed for its "investment" in the planning work if a fresh interpretation of state competitive bidding requirements denied Hastings the right to deliver on its promise.

"I'm wanting some more as-

surances that there is a role for us by which we can at least get reimbursed for our investment," Henry said. He said he was trying to determine which of the consulting or management roles in the project were subject to competitive bidding.

Hastings General Counsel Angèle Khachadour declined to comment on the negotiations, referring questions on the subject to Levine.

Levine said state law would require Hastings to go through a fresh competitive bidding process for the construction elements of the project, and for any work involving the sale or long-term ground lease of property. He said Lincoln's negotiating rights would give it a shot at the "management" part of the development work, including managing the architects, arranging financing, and guiding Hastings through the politically sensitive permitting, environmental impact and public approval processes.

Attorney Marcia Rosen of the Lawyers' Committee for Urban Affairs criticized the proposed contract at the March board

meeting, saying it created a conflict of interest. Rosen said the agreement would require Lincoln to act as an objective consultant to Hastings while Lincoln was simultaneously campaigning for the development contract. It would be in Lincoln's interest to recommend work that it might choose to do itself, she said.

Henry told the board and the crowd that he planned to meet with local groups' representatives once Lincoln was formally chosen as Hastings' consultant. "We will refuse no one of legitimate interests," he said.

Board member Ralph Abascal retorted, "I would suggest that the most important voice to listen to is the illegitimate interests."

(North of Market Planning Coalition director Kathy Lu said Henry has since met with a group of Tenderloin activists and West Block tenants. She said he "wanted to demonstrate some good faith" and seemed genuinely interested in the group's views.)

Among the board members present, Mitchell and Abascal appeared the most skeptical towards

Continued on Page 18



Photo by Derek Bauman

Hastings Board members meet with representatives of Lincoln Properties on March 15.

to approval by the board's executive committee. The executive committee consists of board chair John Sproul, Finance Committee chair Charlene Mitchell, Educational Policy Committee chair John Knox, and College Relations chair Blaine Pettit. Lincoln and

had been signed, though Hastings Director of Facilities Ed Levine said the broad features of the deal were in place, and only "wording" remained to be finalized. He declined to release the current contract draft.

Levine said that under the

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Lincoln Seeks Assurances on West Block

Continued from Page 17
the proposal to hire Lincoln as Hastings' "consulting developer."

Mitchell in particular asked several probing questions about Lincoln's financial health and fitness for the Hastings project. She asked Fritz Duda, head of the board's Special Property Committee, whether he had investigated criticisms of Lincoln's past conduct and financial troubles.

Rosen told the board Lincoln suffered some financial losses in the mid-1980s that led Lincoln to sell out its interest in several office tower projects. In addition,

for the rest of the West Block, they'd implement Hastings' two-year-old dream of building a new San Francisco Superior Court complex on the property.

"What they want to do is get themselves out of the Tenderloin and into the Civic Center," said Matt Bixby, an activist West Block tenant. "I don't blame them," he said. "I just don't want to lose my home over it."

Levine argued that the tower is "not optimal" for student housing because the building is 63 years old, it was designed as a hotel, and it is in a more dangerous part of the neighborhood than the proposed housing site. He said the tower also lacks some fire and seismic protections that would be included in a modern building.

So if the students move out of the tower, who will move in?

West Block Tenants' Association speakers at the March 13 meeting said they did not want to be among the new tenants at 100 McAllister.

Alice Wadlington, an elderly West Block tenant, said she and her older neighbors would be afraid to move into the tower because they cannot move as quickly as students, and because they fear the security and maintenance standards would decline when the students left.

And Bixby complained in an interview, "They're saying that the tower isn't good enough for you, the students, but they want to move us in."

But Dehly said Hastings officials have not "discussed" moving West Block tenants to the tower. "I don't think anybody has proposed moving people into the tower at this point," he said. Asked if Hastings absolutely would not move them into the tower, he said, "I can't make that promise."

Rosen reminded the board at the meeting that Hastings is bound by a development agreement to maintain the tower as housing, whether for students or others, at 80 percent of market rates or less.

She said the Milton Meyer Co., the developer that renovated the building in the mid-1980s, promised to maintain the tower as rental housing at below-market rents for 20 years, beginning in 1982, in return for city permission to build a market-rate development elsewhere in the city. Hastings assumed the obligation on the tower, while the developer profited from the other project, she said.

The agreement means Hastings will have to keep the building residential unless it is prepared to fight off an attempt to enforce the agreement.

Among residential uses, the college does not appear to favor turning the tower back into a hotel. The runner-up for the contract, Y & W Co., lost its bid in part because it proposed turning the tower into a luxury hotel. And Lu said that choice would be "unpalatable from a neighborhood perspective."

That leaves the college with a choice between upgrading the units to appeal to middle-class tenants, or renting them, as is, to poorer ones. Given the dubious appeal of the neighborhood to those who can afford other addresses, Hastings may choose not to rent the apartments at market rates.

The resulting choice may well be to turn the building into low-rent housing for current Tenderloin residents. While that course might please local advocates for more affordable housing, one critic suggested it could bring the poverty and crime of the Tenderloin closer to Hastings, even as the college struggles to disassociate its campus from the neighborhood.

Alternatively, Levine said Hastings could sell the tower—though he did not say to whom.

Work Study

Continued from Page 3
tion, the financial aid office is asking students who would like to earn more money in June to put in a request for an increased award. Furthermore, students can still apply anew for work-study money for this June.

However, the financial aid office warns applicants that any work-study awards made to them this summer will definitely affect their financial aid packages for next year.

The CWS program is different from other financial aid because work-study involves an arrangement whereby an employer who decides to hire a student with work-study funds is deemed to have agreed to pay a percentage of the student's wages, with the federal government paying the difference. As a result, many students have been able to apply work-study funds to on-campus positions in the Legal Information Center, as well as off-campus positions with the Hastings Public Interest Law Foundation, the City Attorney's Office, and the Public Defender's Office.

According to Bennett, the federal government allocates about \$300,000 to Hastings each year to pay for the federal portion. The federal dollars become available on July 1, and are applicable for work-study payrolls through June 30 of the following year. Thus, Hastings students get \$500,000 worth of awards each year. Bennett said that because it is Hastings' policy to make CWS funding available to every student who applies, the typical award is only \$1,500 to \$3,000.

The stated purpose of the CWS program was two-fold: to help students pay educational costs, while at the same time helping them gain paid work experience in their fields. However, according to a Feb. 1992 Government Accounting Office report, over 50 percent of federal work-study funds nationwide were used for non-career-related work during the 12-month period ending June 1990.

Bennett said that figure would not be accurate for Hastings. He said Hastings' work-study program adheres to the original purpose of the federal program in that 90 percent of its funds are used in law-related positions. Bennett said he did not believe this requirement presented a problem, because "getting work-study is the 'union card.' Most government agencies don't hire students without work-study funds."

PICAP

Continued from Page 5
maintaining two-thirds to one-third fund similar to the Cathedralwood endowment. The administration anticipates such a plan would create an endowment for non-governmental program participants equal in the current \$160,000 in approximately eight years.

The Finance Committee first considered and postponed the proposal to spend the OCI surplus on PICAP Feb. 25. It put off a decision until its May 26 meeting because members said they would like the faculty to decide whether the program's definition of "public interest" is specific enough.

Since then, the Admissions Policy and Student Services Committee has endorsed the criteria already used in the existing PICAP program. According to Academic Dean Mary Kay Kane, the Committee. The full faculty is scheduled to vote on the committee's endorsement May 4.

The Finance Committee will consider the faculty vote May 26. If the Finance Committee approves the proposal, the Board of Directors will consider the issue June 12.

ASH passed a resolution March 24 in support of the administration's proposal to fund PICAP through surplus OCI fees.

"Students have been working on this issue [PICAP] for a long time, and the OCI funding would be a step in the right direction, but the administration should be doing more to actively raise money for PICAP," said Karen Carrera, outgoing ASH president.

With 500 of Hastings' 1,246 students responding to the ASH/SLAC poll, 80 percent said they supported the funding proposal. Fifty-two percent said administration funding of PICAP should be a high priority, 34 percent said it should be a moderately high priority, and only 4 percent said the administration should not fund the program at all.

The results showed a high level of student interest in working in public interest law (defined in the survey as legal work in any non-profit organization or government agency) as well as a high level of student debt. Thirty-seven percent said their debts would be an important factor in their career choices.

"I am very excited about the survey results. Had expected that the majority of students would be in favor not only of giving OCI surplus fees to PICAP but also that they would be in favor of the administration actively fundraising for this important issue," said Carrera.



Photo by Denise Burrows

West block tenant protests Hastings.

she said two Lincoln residential projects, one in Emeryville and one in the Moirone Center area of San Francisco, had generated many tenant complaints.

Duda, whose business developments shopping centers, responded that tenant complaints are common in the best-run developments, and added that Hastings had scrutinized Lincoln's balance sheet thoroughly.

Hastings officials have said Lincoln's financial status is not important because it will not be asked to spend any of its own money on the construction of a building. While they have been reluctant to discuss financing, Hastings spokesman Tom Dehly and the college's planning director, Ed Levine, say the money for the student housing part of the project would come from revenue bonds. These bonds would not require voter approval.

Of all the West Block issues, Hastings officials have been most reticent this year in providing information on the subjects of financing for the West Block construction and the college's plans for the 100 McAllister St. tower.

Levine and Dehly have said Hastings' first goal is to move the students who now live in the tower into new, specially designed housing on the West Block that would be connected to the 200 building by an indoor passage. As

Conference

Continued from Page 3
Hastings International and Comparative Law Review this summer.

Trinkl also said the April conference, as actually carried out, led him to join some of the other organizers in suggesting a new format for next year's conference.

"We send a team of lawyers over there to explain unique features of U.S. law. They send over a team of Japanese lawyers, perhaps a year later...and they further explain Japanese law as it relates to a specific topic," he said. "So it would be more of a quasi-educational exchange, as opposed to trying to sort out legal public policy."

But whatever the next conference looks like, they'll have more than a week to put it together.

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Spring Rituals at Hastings—Race for Justice



The third annual Phi Delta Phi "Race for Justice" was held March 7 in Golden Gate Park. First year student Joseph Kames set an event record in winning the men's title. Second year Alice Peters won the women's title for the second year in a row. Dean Tom Read was the winner of the Deans' Division for the third straight year, being the only dean in the race. The race benefitted the Family Service Agency of San Francisco's Tenderloin Children's Mental Health Clinic.

Photos By David Fox

